The Antient and Preſent State OF THE UNIVERSITY OF OXFORD.

CONTAINING

I. An Account of its Antiquity, paſt Government, and Sufferings from the *Danes*, and other People, both Foreign and Domeſtick.

II. An Account of its Colleges, Halls, and Publick Buildings; of their Founders and eſpecial Benefactors; the Laws, Statutes, and Privileges relating thereunto in general; and of their Viſitors and their Power, *&c.*

III. An Account of the Laws, Statutes and Privileges of the Univerſity, and ſuch of the Laws of the Realm which do any wiſe concern the ſame; together with an Abſtract of ſeveral Royal Grants and Charters given to the ſaid Univerſity, and the Senſe and Opinion of the Lawyers thereupon.

To which is added the Method of Proceeding in the *Chancellor*'s Court.

With an *APPENDIX* and *INDEX* to the whole.

By *JOHN AYLIFFE*, L. L. D. and Fellow of *New-College* in *Oxford*.

VOL. II.

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THE
Antient and Preſent State
OF THE
UNIVERSITY
OF
OXFORD.

PART II.

CHAP. II.

Of the Laws, Statutes and Privileges, relating to Colleges in general, &c.

PASSING from the Hiſtorical Account, which I have given of Colleges, Halls, and Publick Buildings, *&c.* I proceed, in the next place, to treat of the Laws, Statutes of the Realm, and Privileges relating thereunto in general: And herein I ſhall follow the Doctrine of the *Civil* and *Canon* Laws, as well

as the Rules of the *Municipal* Laws of this Kingdom, in ſome reſpect.

In the Civil Law, the Fourth and Laſt Species of a Community or Corporation is, that which the *Civilians* call *Simplex Collegium*; and it is ſo called, becauſe many Perſons of the ſame Body and Community do cohabit therein; and as our Books ſay, *in eodem ſimul Colliguntur* *: And herein a College, according to the underſtanding of the *Civil* Law, differs from a Society ||; for, by the *Civilians*, that is called a *Society*, when the Community or Society do not cohabit: And here the Word *Body*, or *Corporation*, is a *generical* Term; for it may properly be ſo ſtyled, whether the Members thereof do cohabit and live together therein, or not *. *Bartolus* ſays, that Colleges have many Names in Law; ſome are called *Societies* †; others are called *Fraternities*, and the Members of ſuch a College are ſtyled *Confratres*, in Engliſh *Confryars* ||: And there are certain other Colleges in the *Civil* Law, which are called *Sodalitia*, and from hence the Members of ſuch a College are named *Sodales* *, or, what is the ſame with us in *Engliſh*, *Fellows*: And this laſt kind of College ſeems to be almoſt the ſame with thoſe in our Two Univerſities, as I ſhall make more fully appear in the Sequel of this Chapter. But I ſhall ſpeak of Colleges more particularly in this Place, in the known Senſe, and common Underſtanding of them among us here in *England*; as *Societies* erected and endowed by Liberal Founders and Benefactors, for the Advantage of Sound Religion, Learning, and good Education.

A College then, of which I am now ſpeaking, and have principally to do withall in the enſuing Part of this Chapter, is a *legal* Body, or

* *Gloſſ. in Rub. ff. de Coll. illicit. & Gloſſ. in l. 1. verb. Collegium ff quod cujuſq;*

|| *Ibi etiam Gl. in L. 1. ff. quod cujuſq; Univerſ.*

* *Gloſſ. 1. in l. 3. Sect. à Municip. ff. de bon. poſſ.*

† *L. 1. in princ. ff. quod cujuſq;*

|| *L. ult. ff. de Coll. illicitis.*

* *L. 1. Sodales L. ult. ff. de Coll. illicitis.*

* Corpo-

Corporation, consisting of Three or more Persons, joined together in a Community, for the more comfortable Support and Maintenance of Religion and Learning in our two Universities: And being founded chiefly for Secular Purposes, *viz.* for a Learned Education of Youth, it is in our Law-Books deemed a Temporal, or Lay-Corporation; for altho' a College should be made up wholly of Spiritual Persons, that is, of Persons in Holy Orders; yet unless the End be also entirely Spiritual, it is no Spiritual, but a Lay-Corporation: And so it was declared in the Case of *Daniel Appleford*, a Fellow of *New-College*, to be the Opinion of all the Judges in Dr. *Patrick*'s Case *. Nor is a College the more a Spiritual Corporation, because it is Founded *ad Orandum & Studendum*; for *Prayer* is the Duty and Business of every Person indistinctly, and so it is not the Sole and Particular End of the Foundation of any of these Colleges. But the *Common* and *Canon* Law disagree herein; for by the *Canon* Law, all Universities, Colleges and Schools of Learning, are Things Spiritual, and consequently subject only to the Care and Inspection of the Ordinary of the Diocess †: But of this Matter more at large hereafter.

* *Mod. Rep.* pt. 1. pag. 84. *Lev. Rep.* pt. 2. page 15. 2 *Roll.* 234.

† *Vid. Abb. Reb. & alios.*

I define a College to be a legal Body or Corporation, because it is a Body framed by Policy and Fiction of Law; and for the same Reason it is also called a Body Politick; and the Persons, who are incorporated hereinto, are a Body formed to last and endure in perpetual Succession of Time: And thus every College, or a legal Body or Corporation, must have a legal Commencement or Beginning.

Now this Commencement or Beginning does not immediately flow and arise from the Gift of the Founder's Charity, but it has its Creation

and Being from ſome Act of Law, as either from ſome Royal Grant convey'd by Charter, or elſe by ſome Act of Parliament: for altho' the Founder may build the Houſe, and endow the ſame with Lands and Poſſeſſions; nay, and appropriate thoſe Lands and Poſſeſſions to certain Truſts and Uſes; yet notwithſtanding all this, until ſuch Time, as the Law has made the Perſons, who are to receive the Charity, to be a Corporation with a Capacity of taking, *&c.* the Founder cannot of himſelf give a Being and Exiſtence to them as a College or Body Politick: But to this End, he muſt purchaſe a Royal Licenſe, or an Act of Parliament; for tho' antient Right or Preſcription may confirm the Continuance of a College, when the Royal Charter or Record of Parliament is loſt, whereby ſuch College was at firſt founded; yet this Preſcription in Propriety of Law, gives no Right in it ſelf; but is only in affirmance of an antient Right, which ſuch College was ſuppos'd to have had antecedent to the Loſs of the ſaid Charter or Record of Parliament: Nay moreover, tho' the King ſhould give a Power to the Founder to name the Perſons, and alſo to give a Name to his intended College, and a Power to make Laws and Statutes for the good Government thereof; yet when he has done all this, the College is not ſaid to be made a Corporation by its Founder, but by the King or Prince, who grants it a Charter of Incorporation. And having thus prov'd a College to be a legal Corporation from the Manner and Form of its Commencement or Beginning, I proceed to ſhew, that this Body or Corporation muſt be fram'd and made up of three Perſons (at the leaſt) join'd together in a Community: And the Reaſon of this almoſt ſeems to ſpeak its own Neceſſity,

L. Neratius ff. de verb. ſign. L. ſicut fi. ult.

ſity, without the help of any expreſs Law to countenance it; becauſe among Two Perſons only there cannot be in *Fact* a major Part; and then, if any Diſagreement ſhould happen to ariſe between them, it cannot be brought to a good Concluſion by ſuch a Number alone, in caſe both the Parties ſhould firmly adhere to their diſſenting Opinions; and thus it is declar'd by the Civil Law: But by the Canon Law it is known to be otherwiſe; for by that Law two Perſons in Number may make and conſtitute a College, foraſmuch as according to this Law two Perſons conſtitute and make an Aſſembly or Congregation; and the Commentators have ſuperadded another Reaſon, *viz.* a *Majoritas Dignitatis*, which in a Corporation conſiſting of two Perſons only, muſt always give the Determination to the eldeſt of the two, and by this means he has ever the ſole Power granted him; for the other has only a naked Suffrage without any Effect. The Common Law of *England*, or rather the conſtant Uſage of our Princes in erecting aggregate Bodies, which has eſtabliſh'd this Rule among us as a Law, has been herein agreeable to the Method and Doctrine of the Civil Law; for that in all their Grants and Charters of Incorporation of Colleges, they have not fram'd any aggregate Body, conſiſting of leſs than three in Number.

Bald. in Rub. c. pro ſocio. N. 3. L. ſi un. B. ſi duos. ff. de rec. arb.

Jo. de Im. Abb. in D. c. 1. de Elect. Marc. dicta Dec. 799. N. 3. Vol. 1.

A College muſt alſo be *join'd together in Community*, that is to ſay, the Perſons, who make up this Body or Corporation, muſt have all the Rights and Privileges of ſuch Corporation in common to them all, or in certain Caſes by their Repreſentatives; they muſt have a common Treaſury and a common Seal, by which Seal ſuch College as a Corporation always acts and ſpeaks; and as ſuch, they not only enjoy

the Goods and Poſſeſſions of it in common, but the Officers and Servants thereof, and the Nomination and Election of them in common, unleſs it be otherwiſe ſpecially provided and taken care of by the Local Statutes and Ordinances of the College.

The laſt Part of this Definition of a College, *viz.* that it is founded for the more comfortable Support and Maintenance of Religion and Learning in our two Univerſities, does not only limit and confine the Subject of this Chapter chiefly to Colleges in the two Univerſities, which are all Eleemoſinary Foundations; but it alſo diſtinguiſhes them from other *Species* of Colleges, erected for more vile and ignoble Purpoſes; as Colleges of Artificers, Merchants, *&c.* more frequent heretofore in foreign Parts of the World, and ſuch as have no Endowments among us.

He is properly ſaid to be the Founder of a College, or Hoſpital, who firſt erects and endows it by giving Lands and Poſſeſſions thereunto, for the Support of his Charity (and thus Dotation with us is as requiſite as the Building of the Houſe, to conſtitute the Founder) and not the Perſon who makes it a Corporation in Law: Which is clear and evident from hence, *viz.* that if it were otherwiſe, the ſeveral Kings and Queens of this Realm, by their granting of theſe Charters, would become Founders of moſt of the Colleges and Hoſpitals in *England*; which is contrary to the Judgment of the Lawyers in the Caſe of *Sutton*'s Hoſpital, commonly known by the Name of the *Charter-Houſe* in *London*; wherein it is ſaid, that he, who builds the Houſe and beſtows the Lands and Revenues, is deemed the Founder thereof; and not the Perſon who makes it a Corporation by Grant of Charter.

Coke, 10 *Rep.*

And

And this Caſe of *Sutton*'s Hoſpital, I have rather choſe to mention here more eſpecially, becauſe it was well conſider'd by the Judges, when they deliver'd their Opinions thereon, and is equally adapted to the preſent Matter in hand: And I muſt add another Reaſon too, becauſe I would not have any College vainly aſcribe the Honour of the Founder's Charity originally extended to it, to the Bounty and Munificence of other Perſons, little more concern'd therein, than in granting a Charter of Incorporation, and a Licence to found and erect the ſame, and alſo to endow it with Lands and Poſſeſſions, *&c.* But yet ſome will have him, who only builds the Houſe, to be their Founder, with whom I will enter into no Liſt of Controverſy.

If the King and a common Perſon give Lands and Poſſeſſions to ſuch College at one and the ſame time, upon its Foundation, the King ſhall be ſaid to be the Founder thereof, by reaſon of his Eminence and high Prerogative in Law; and alſo becauſe it is one entire thing. But if a common Perſon founds a College with Poſſeſſions of a ſmall Value, and the King afterwards endows it with greater Revenues, yet the common Perſon ſhall be taken to be the Founder of it, and not the King. 44 Edw. 3. 24. *Coke's Inſtit. Part* 2. *p.* 68.

Having given the Definition of a College, with which my preſent Buſineſs lies, and in ſome meaſure explain'd the ſame, I come in the next place (in the briefeſt manner) to enquire into the more eſſential and conſtituent Parts thereof, as it is a Corporation or Body Politick.

The firſt of theſe Eſſentials, *viz.* that a College as a Corporation muſt have a legal Beginning, I have already handled and examin'd:

And the ſecond is a Point ſo ſelf-evident, that I need only mention the ſame, without any Endeavours to prove the Truth thereof in this Place, which is, *viz.* that there muſt be Perſons to be incorporated, who in Judgment of Law never die: And therefore I ſhall proceed to the third; namely, that every College muſt have a Name of Incorporation given to it.

4. *Rep.* 65. *Fulwood's Caſe. Cro. Eliz.* 480. *Bird & Welſford.*

For the Name of a Corporation is as the Name of Baptiſm to a natural Perſon; nay, the Law requires more Certainty in the Name of a Corporation, than in the Name of any particular Perſon: When an Infant is born, he is preſently a perfect Creature, and the giving his Name is not a Matter of Neceſſity, but Policy, for Diſtinction ſake. But as to a Corporation, the Name is of the Subſtance and Eſſence of it, and without their Name they are but a Trunk. It was ſaid in the Caſe of *Paſchal* and *Mariol*, by the Lord Chief Baron *Manhood*, that three Things are only to be reſpected in the Name of ſuch a Corporation; 1*ſt*, The Names of the living Perſons, who are the Name of the Corporation. 2*dly*, The Name of the Houſe or Place, where they make their Abode, or where they make their Building, *&c.* 3*dly*, the Name of their Founder.

If the King incorporates a College by one Name, and afterwards incorporates the ſame by another Name; ſuch College ought to uſe their Name according to the ſecond Incorporation; and yet they continue their Poſſeſſions, Rights and Privileges, which they had by the other Name.

21 *Edw.* 4. 39.

4*thly*, There muſt be apt and proper Words for the incorporating of a College; but we are not reſtrained to any certain and preſcript Form of Words, and the Word *incorporo* is not neceſſary,

ſary, nor the Words *fundo, erigo, &c.* but it is enough, if there be Words of Incorporation ſufficient in Law.

5*thly*, There muſt be ſome Place aſſign'd, in the Charter of Incorporation, where ſuch College is to be founded or built; for a College is a *Local* Thing. And theſe are the chief *Eſſentials* of a College, as a Corporation; to which there are many Things incident without any ſpecial Grant or Preſcription; for when a College is duly created, all other Incidents of a Corporation are tacitly annex'd to it, as it was reſolved in the Caſe of *Sutton*'s Hoſpital already cited, in their mentioning of ſeveral Particulars, as follow, *viz.*

Firſt, A College is a ſufficient Corporation, without the Words, to implead, or be impleaded, ſue and be ſued: Yet a College cannot *per ſe ſtare in judicio*, but ought to appear by its Syndick or Attorney, by whom the Body Politick is repreſented; and therefore a College in its Politick Capacity, by the *Civil* as well as *Common* Law, may be compelled to make and conſtitute a *Syndick* or *Attorney* by virtue of the Judges Office, againſt whom Creditors and others may have their Action; which *Syndick* or *Attorney* may defend the College, as a Corporation: And the Reaſon of this is, becauſe a College is compared in Law to a Pupil or Minor. And, as in the *Civil* Law, when an Action is commenced againſt a Pupil or Minor, the Plaintiff ought to pray, that a Guardian or Curator be appointed and aſſign'd to ſuch Perſon; ſo when an Action is brought againſt a College, according to that Law, the Plaintiff ought to pray the Court, that a *Syndick* be aſſign'd and appointed to ſuch College; and it ſhall be imputed to the Plaintiff's Negligence, if he does not requeſt it.

D. L. 2 & 3. H. quod cujuſq; unius, &c.

L. Rempub. C. de jure Reipub.

Second-

Secondly, A College has a tacit Authority to purchaſe, take and enjoy, and alſo to act herein as a natural Body and as one Perſon; but yet under certain Reſtrictions and Limitations hereafter to be remembred, when I ſpeak of *Mortmain.*

Thirdly, It is incident to a College to have a Common Seal; for when they are incorporated, they may make uſe of what Seal they pleaſe: And in Caſes and Matters of Weight and Importance, this Seal ought to be made uſe of and affixed to all the publick Deeds and Inſtruments of ſuch Body; for that it is then a good Preſumption, that ſuch College has lawfully ſped and executed the Act contained and ſet forth in ſuch Deed or Inſtrument, to which the Common Seal is affixed; and this gives it an undoubted Credit, unleſs the contrary thereunto be alledged and proved.

Fourthly, A College has a tacit Power of making any Laws or Ordinances, to oblige the whole Society of Members, in all Matters relating to the Honour and Welfare of the Houſe; provided, that none of theſe be repugnant or derogatory to the *Local* Statutes, or contrariant to the Laws of the Realm in any reſpect: And altho' this be not of the Eſſence of a College, yet it is requiſite for the Government and Adminiſtration thereof.

If the Head or Preſident of any College deviviſes any Lands, Tenements, *&c.* to his College by Will, and dies, ſuch Deviſe is void in Law; for at the Time when the Deviſe ſhould take effect, the College is without a Head, and by this means not capable to take; which was reſolved by all the Juſtices upon good Advice taken thereof, in the Caſe of the Preſident of *Corpus Chriſti College* in *Oxford.*

4 *Part L. con Rep. p.* 223.

If

If Lands or Tenements in Freehold be deviſed and given to a College, the Deviſe is for ever veſted in ſuch College; and the Reaſon is, becauſe the College cannot alienate the ſame, or ſuch an Eſtate, without the help of an Act of Parliament: But if a Legacy, which is a Chattle, be given to a College, there ought to be Words in the Will, to ſupport the Continuance and Perpetuity of ſuch Legacy to the College; otherwiſe it may be loſt and ſunk by the preſent Set of Fellows; for they may think that ſuch Legacy was given to them identically, and by theſe Means divide the ſame among themſelves. And thus it is one of the principal Privileges of a College, that Legacies may be given by Teſtament unto them; but as to a Gift of Lands and Tenements in Freehold, it is ſomewhat reſtrain'd by the ſeveral Statutes of Mortmain.

Griffith Flood, 25 *Eliz.* deviſes Lands in Fee to his Wife *Ann* for Life, and after to *Jane* his Daughter for Life, and after thoſe Lives ended, to the Principal, Fellows and Scholars of *Jeſus College* in *Oxford*, and their Succeſſors, to find a Scholar of his Blood from Time to Time; and dies. It was agreed *per Curiam*, that the Deviſe was void in Law, becauſe the Statute of Wills did not allow Deviſes to Corporations in Mortmain; yet it was held clearly to be within the Relief of the Statute of Charitable Uſes, under the Words *(limited and appointed for Charitable Uſes)* 43 *Eliz.* and ſo it was decreed, that the College ſhould enjoy it againſt the Heirs of *G. Flood:* and it was held, that the *Proviſo* in the Statute which exempts Colleges, is only intended to exempt them from being reformed by Commiſſion, but *Hob. p.* 136. not to reſtrain Gifts made to them.

The Statute made 1 & 2 *Phil.* and *Mary*, to make good Deviſes to Spiritual Corporations, was

was extended to *Trinity College* in *Cambridge*: The Reaſon was, becauſe it was principally ordained for the Study of Divinity; but it would not have been ſo in a College for Phyſicians or Civilians. And the *Proviſo* in the Statute for Colleges in the Univerſity, was *abundans Cautela*, as was ruled in *Porter*'s Caſe for *Terry* his Will: And yet the Statute gives the King Power to change Superſtitious Uſes in ſuch Colleges; ſo the Univerſal Decree of State was not to tolerate any Superſtitions any where.

Hob. p. 123. The Maſter or Head of a College cannot deviſe or bequeath the Lands or Goods of his College. *Fitz. Nat. Br.*

If a Legacy be left to a College *in verbis ſingularibus & diſtributivis*, and afterwards the Number of this College be increas'd, the Legacy ſhall only extend to the Number in ſuch College, when the Legacy was given: but if ſuch Legacy be bequeathed in general and univerſal Terms, it ſhall comprehend all that ſhall be of ſuch College at and after the Time of the Legacy given, without any Diſtinction or Difference: As for example, if an Eſtate be devis'd, or a Legacy given to the Warden and twelve Fellows of *Wadham College* in *Oxford*, *in perpetuum*, and the Number of Fellows ſhall afterwards by ſome Ingraftment be increas'd; this Deviſe or Legacy ſhall only extend to the Number in being at the Time of the Deviſe made or Legacy given, and not to any other Number, which ſhall be ingrafted on or added to it, after ſuch Deviſe made or Legacy given; for that it plainly appears, that the Deviſor, or Perſon bequeathing only intended this Benefit for the Number of Fellows then exiſting at the Time of deviſing or bequeathing the ſame: But if ſuch Deviſe or Legacy had been in *general* or *univerſal* Terms, as,

L. 20. *Sect.* 1. *H. de an. Leg.*

as, *I give and bequeath to the Warden and Fellows of* Wadham College *for ever*, &c. it had extended it ſelf to all the Fellows, which ſhould be hereafter added or ingrafted on the preſent Number. L. 41. *Sect. Teſt. H. de Leg.* 3. *l.* 7. *H. de auro arg. Leg.*

Altho' Lands and Goods are often deviſed and given by Will to Colleges; yet they cannot be Executors of a Will, becauſe as they are aggregate Corporations, they cannot prove the Will by Oath; yet they may be Executors in Truſt: But it was adjudg'd in two Caſes, which you may find in the firſt Part of *Roll*'s *Abridgment*, That a Mayor and Commonalty may be made Executors, contrary to the Opinion of *Wentworth*. P. 91, 915.

When a College preſents to a Benefice or Living, it preſents as a Corporation; and therefore ſuch Preſentation ought to be under the Common Seal of the College, and by the true Name thereof; otherwiſe it is a void Preſentation: Nor wou'd it be ſufficient, tho' all the Members thereof ſhou'd ſet their Hands and Seals privately thereunto; becauſe a Corporation always ſpeaks by its publick Seal.

A College may employ one in ordinary Services without a Deed, as to be a Butler, Manciple, *&c.* But no one can appear in an Aſſize as Bailiff to a College, as it is a Corporation, without a Deed. Nor can they ſend one to make a Claim to Lands, without a Deed. Nor can they make themſelves a Seizure by their Aſſent, without a Deed or Warrant to one to enter for a Condition broken. 18 *Edw.* 4. 12 *H.* 7. 27. 9 *Edw.* 4. 39. *Coke*, 4 *Rep.* 119.

In all legal Proceedings, that do any wiſe concern a College as a Corporation, it ought to be averred and alledged, that there is a Corporation, and what it is, and how it was erected; and the leaſt that can be in any Caſe, is to ſay, that

Mod. Rep. Part 3. *p.* 6. that it is an antient Corporation erected by Grant, *&c.*

All Collegiate Acts ought to be ſped and executed by the Conſent of the Fellows, given in common Aſſembly, and not *ſingulariter*, and ſeparately.

It has been a Queſtion in the *Roman* Civil Law, whether in the Making and Framing of Collegiate Deeds and Inſtruments, the particular Names of the Perſons of ſuch Corporation, as are concerned therein, ought to be of neceſſity deſcribed and ſet forth in the ſame: But herein the Doctors are divided in their Opinions; for ſome think, that in all Corporations, both Secular and Spiritual, the particular Names of the Parties, conſenting to any Act of the Community, ought to be expreſly mentioned, that it may appear whether two Parts in three of ſuch Community be conſenting thereunto (for by this as well as by the *Canon* Law it is neceſſary to have the Conſent of two Parts in three of the whole Body) but by the *Common* Law of *England*, (which Colleges follow herein) the greater Part of the whole is ſufficient: Others think it not neceſſary, *circumſcripto Sigillo*, thus particularly to expreſs the Names of the Perſons conſenting; becauſe the intrinſick Solemnity of the Common Seal ſuppoſes it, giving a ſtrong Preſumption thereunto; eſpecially when there is the additional Strength of a Notarial Act to ſupport the Credit thereof; and this laſt is the more prevailing Opinion in point of Practice.

I have ſaid before, that every College with us is a legal Body or Corporation, which as ſuch muſt have a Sovereign Power for the Government thereof; and this is generally lodg'd in the Head of ſuch College, whoſe principal Duty it is, by ſome publick Miniſter or Servant of ſuch

ſuch Society, to call Collegiate Aſſemblies, to ſee that all Officers and Scholars do their Duty, and briefly to govern the College according to its Statutes; and not by his own Will and Pleaſure, laying aſide that of the Founders: A Practice too common in theſe Days.

In his calling together of theſe Aſſemblies, theſe things are to be obſerv'd, *viz.* Firſt, there muſt be due Notice and Premonition given to the Fellows, in order to their meeting together: Which Premonition cannot be expreſly defin'd, where the Local Statutes of the College have not aſcertain'd the ſame; but muſt be left to the Diſcretion and Honeſty of the Head or Maſter of the ſame, who may be corrected by the Viſitor, if he be unjuſt and partial therein; and this Notice ought to be fram'd and adapted to the Nature and Circumſtances of the Matter, about which they aſſemble and meet together: And without ſuch lawful Summons the Fellows cannot come together, to do any Collegiate Act; and if they ſhould aſſemble without ſuch a Call, and proceed to do Buſineſs, the Act done would be void in it ſelf; and the Perſons thus met together, inſtead of being a lawful Convention, will be deemed an unlawful Conventicle, and their Acts reputed to be illegal Confederations and Conſpiracies. If he refuſe to do his Duty herein, being apply'd to upon lawful and reaſonable Occaſions, he may be compelled hereunto by the ſuperior Power of the Viſitor; for it is not in his Choice, whether he will have a Convention or not.

2*dly*, The Time of Aſſembling ought to be proper and ſeaſonable for the Diſpatch of Buſineſs, as in the Day, and not in the Night-time: for the Fellows are not obliged to meet for this End at all Hours, the Night-time being proper for

for Sleep, and not for Business; nor are they bound to appear upon Conventions at the usual Times of Meals.

3*dly*, The Place where the Assembly meet ought to be consider'd, which ought to be within the Precincts of the College, and there too in the publick Places thereof; as in the Common Hall, Chapter-House, and the like; and not in private Chambers, *&c.* unless it be upon necessary and emergent Occasions, not concerning the whole Body.

4*thly*, The ordinary and usual Method and Token of Calling them together, after due Notice given, ought to be observ'd and followed, as by the Tolling of a Bell, the Sound of a Trumpet, *&c.* And if any Member shall wilfully or obstinately refuse to appear in the Assembly, after such Notice and Summons given, he may be punished for his Contumacy, either by Substraction of Commons, or by some other statutable Method, according to his Offence.

In the Absence of the Head from the College, his Deputy or Vicegerent may convene Meetings, and transact all Affairs of lesser Importance, with the Body.

Some Heads of Colleges, to advance an arbitrary Proceeding in themselves, have lately erected to their Use almost a Plenitude of Power, by assuming a Negative Voice in Elections, Grants, *&c.* notwithstanding the Statute of the 33 *H.* 8. *Chap.* 27. which I will here recite at length for their Conviction, and then shew the Sense of the *Civil* and *Common* Law therein. By the said Statute it is thus declared, *viz.*

"Albeit that by the Common Laws of this "Realm of *England*, all Assents, Elections, "Grants and Leases had, made and granted "by the Dean, Warden, Provost, Master, "Presi-

" Preſident, or other Governor of any Ca-
" thedral-Church, Hoſpital, College, or o-
" ther Corporation, by whatſoever Name they
" be incorporate or founded, with the Aſſent
" and Conſent of the more or greater Part of *Dyer*, 247.
" their Chapiter, Fellows or Brethren of ſuch
" Corporation, having Voices of Aſſent there-
" unto, be as good and effectual in the Law to
" the Grantees and Leſſees of the ſame, as if the
" Reſidue or the whole Number of ſuch Cha-
" piter, Fellows and Brethren of ſuch Corpo-
" ration, having Voices of Aſſent, had actual-
" ly thereunto conſented and agreed: Yet the
" ſaid Common Laws notwithſtanding, divers
" Founders of ſuch Deaneries, Hoſpitals, Col-
" leges and Corporations within the ſaid Realm,
" have upon the Foundation and Eſtabliſhment
" of the ſame Deaneries, Hoſpitals, Colleges
" and other Corporations, eſtabliſhed and made
" amongſt other their peculiar Acts, local Sta-
" tutes and Ordinances, that if any one of ſuch
" Corporation, having Power or Authority to
" aſſent or diſaſſent, ſhould and would deny
" any ſuch Grant or Grants, then no ſuch Leaſe,
" Election or Grant ſhould be had, granted
" or leaſed, and for the Performance of the
" ſame, every Perſon having Power of Aſſent
" to the ſame, have been and be daily there-
" unto ſworn; and ſo the Reſidue may not
" proceed to the Perfection of ſuch Elections,
" Grants and Leaſes, according to the Courſe
" of the Common Laws of this Realm, unleſs
" they ſhould incur the Danger of Perjury:
" For the avoiding whereof, and for the due
" Execution of the Common Law univerſally
" within this Realm, and every Place, in one
" Conformity of Reaſon to be uſed: Be it or-
" dained, eſtabliſhed and enacted by the Au-

" thority of this preſent Parliament, that all " and every peculiar Act, Order, Rule and " Statute heretofore made, or hereafter to be " made, by any Founder or Founders of any " Hoſpital, College, Deanery or other Corpo- " ration, at or upon the Foundation of any " ſuch Hoſpital, College, Deanery or Corpo- " ration, whereby the Grant, Leaſe, Gift or " Election of the Governor or Ruler of ſuch " Hoſpital, College, Deanery, or other Cor- " poration, with the Aſſent of the major Part " of ſuch of the ſame Hoſpital, College, Dea- " nery or Corporation, as have or ſhall have " Voice or Aſſent to the ſame, at the Time of " ſuch Grant, Leaſe, Gift or Election hereaf- " ter to be made, ſhould be in any wiſe hin- " dred or let by any one or more, being the " leſſer Number of ſuch Corporation, contrary " to the Form, Order and Courſe of the Com- " mon Law of this Realm of *England*, ſhall be " from henceforth fruſtrate, void, and of none " Effect. And that all Oaths heretofore taken " by any Perſon or Perſons, of ſuch Hoſpital, " College, Deanery or other Corporation, ſhall " be, for and concerning the Obſervance of a- " ny ſuch Order, Statute or Rule, deemed " void and of none effect. And that from " henceforth no manner of Perſon or Perſons " of any ſuch Hoſpital, College, Deanery or " other Corporation, ſhall be in any wiſe com- " pelled to take an Oath for the obſerving of " any ſuch Order, Statute or Rule, upon the " Pain of every Perſon giving ſuch Oath, to " forfeit for every time ſo offending 5 *l.* the " one Moiety thereof to our Sovereign Lord " the King, and the other thereof to any of the " King's Subjects, that will ſue for the ſame in " any of the King's Courts of Record, by Action

" of

" of Debt, Bill, Plaint, Information, or other-
" wiſe, wherein the Defendant ſhall not be ad-
" mitted to wage his Law, nor any Protection,
" nor Eſſoyn, or any other dilatory Plea ad-
" mitted, or allowed.

That the Mayor has no *Negative Voice* in the Election of an Alderman (as great and as abſolute as he pretends to be) ſufficiently appears in the Caſe of the King againſt Sir *Robert Atkins*, Knight of the *Bath*, and Recorder of the City of *Briſtol*; wherein upon an Argument at Bar, this Negative Voice was denied to him, upon claiming the ſame in the Choice of an Alderman, who was elected to that Office in the Mayor's Abſence: For if there can be no Election without the Mayor's Preſence and Conſent had, and he be wilfully abſent or diſſents thereunto, he is not only *Major Maximus*, but *Dominus fac. totum* (as the vulgar Saying is) or *Dominus faciens totum*; the Aldermen without him will be but as ſo many Cyphers, and the Mayor will be the great Figure, and the Aldermen will only ſignify in conjunction with him. It was objected herein, that the Power to elect an Alderman was given to the Mayor and Aldermen, or the major Part of them; and ſo *the Mayor by himſelf is particularly and expreſly named* by the Name of his Office, and therefore is of the *Quorum*, without any other expreſs making of a *Quorum*: But for a Solution hereof, I ſhall rather chuſe to refer the Reader to the Caſe at large in the *Third Part of the Modern Reports*, than give it here, becauſe it is long; yet I will obſerve, that the Mayor is named in the Grant merely out of neceſſity, it being Part of the Name of the Corporation to whom the Grant was made: And if this were a valid Election in the Mayor's Abſence, (yet requeſted to be preſent)

ſent) it would ſure have been much more ſo, had he been preſent, and only diſſented from the Majority in his Suffrage. This Caſe (I think) will hold good, and may be well compared unto Elections, *&c.* made in Colleges after this manner, *viz. In quem ipſe Cuſtos vel Magiſter, & Socii, vel Major eorum pars, &c. conſenſerit.* The wiſe Founder of *New College* has almoſt every where in his Statutes excluded the Warden of that Society by expreſs Words from ſuch a *Negative* upon his Fellows, well knowing how dangerous a thing it was to lodge ſo great Power in the Hands of any one Man; nay, the Founder is ſo far from giving this Exceſs of Authority, that he has not provided him with a caſting Voice upon an Equality; but in ſuch a caſe the Matter muſt devolve to the Viſitor of the College for his Determination.

In the *Civil Law* we find no ſuch thing as a *Negative* Suffrage entruſted with any one ſingle Perſon: for in their Councils, which concern the Acts of Colleges or Corporations, the Conſent of the major Part of the Counſellors aſſembled is ſufficient, and in this caſe the Dignity and Authority of the *Decurios* is not conſidered or regarded, but the major Part *ſimply* prevails, and prejudges the leſſer. *Vide Alexandri Conſilia*, where he expreſly ſays, *Quòd conſenſus populi, & ſic majoris partis, in rebus agendis ſufficit, licet Primates reluctentur & diſſentiant.* And this Conſent muſt be had and obtained in the Common Aſſembly, and in ſome publick Place belonging to ſuch College or Corporation. But it is otherwiſe in Matters relating to many as Individuals, wherein the Conſent of the Majority may be given ſeparately, and not aſſembled as aforeſaid. *Maranta*, in his Book of Practice, ſays, that in a Council there is one whoſe Buſi-

Alex. Conſ. 192. *per tot. Vol.* 6. *&* *Conſ.* 40. *n.* 1. *Vol.* 2. *Dec. Conſ.* 437. *n.* 3.

neſs

neſs and Duty it is to propound Matters unto the Aſſembly met together, *ſive Caput, ſive Rector Concilii, ſive alius de Conſiliariis, & interrogat an placeat talis reformatio, & ita poſtea reformatur & conſtituitur, prout placet Concilio.* And if the Rector or Head of the Council ſhall refuſe to propoſe the Matter, upon a Motion and Requeſt made to him, provided it be *de ſano Conſilio*, he ſhall be thereunto compelled by the Cenſures of the Prince, or his Superiors; ſo that he cannot by any obſtinate Fraud of his own deſtroy the laudable and well-meaning Deſign of the Congregation or Council met together. Others will have it, that any Member of the Council may propoſe, upon the Rector's Refuſal, if a Majority conſents thereunto. *Roland. Conſ. N.* 13, 14.

All Colleges in our two Univerſities of *Oxford* and *Cambridge*, are Corporations within a Corporation; for the two Univerſities themſelves are antient Corporations, into which every College therein is reſpectively incorporated, either by expreſs Grant, or of common Right; and does therefore become ſubject to the Chancellor's Juriſdiction in all Cauſes and Matters, whereof the Chancellor of each Univerſity has cognizance: And in ſuch Cauſes and Matters they are to be impleaded in their own proper Court.

Indebitatus aſſumpſit was brought againſt the Preſident and Scholars of *Magdalene College* in *Oxford*, for threeſcore Pounds for Butter and Cheeſe ſold to the College. The Chancellor of the Univerſity demanded cognizance by virtue of Charters of Privileges granted to the Univerſity by the King's Progenitors, and confirmed by Act of Parliament; whereby, amongſt other Things, Power is given them to hold Plea in perſonal Actions, wherein Scholars or other

privileged Perſons are concerned, and concludes with an expreſs Demand of Cognizance in this particular Cauſe. *Baldw.* Their Privilege extends not to this Caſe; for a Corporation is Defendant, and their Charters mention privileged *Perſons* only; and that their Charters are in derogation of the Common Law, and muſt be taken ſtrictly. They make this Demand upon Charters confirmed by Act of Parliament: and they have a Charter granted by K. *Henry* the 8*th*, which is confirmed by an Act in the Queen's Time: But the Charter of the 11 *Car.* 1. (which is the only Charter that mentions Corporations) is not confirmed by any Act of Parliament, and conſequently is not material as to this Demand; for a Demand of Cognizance is *ſtricti juris*. But admitting it material, the King's Patent cannot deprive us of the Benefit of the Common Law, and in the Vice-Chancellor's Court they proceed by the *Civil* Law. If you allow this Demand, there will be a *Failure of Juſtice*: for the Defendants being a Corporation, cannot be arreſted, they can make no Stipulation, the Vice-Chancellor's Court can iſſue no *Diſtringas* out againſt their Lands, nor can they be excommunicated. Precedents we find of Corporations ſuing there as Plaintiffs (in which the aforemention'd Inconvenience does not enſue) but none of Actions brought againſt Corporations. *Maynard contra.* Servants to Colleges and Officers of Corporations have been allowed the Privilege of the Univerſity, which they could not have in their own Right; and if in their Maſters Right, *à fortiori* their Maſters ſhall enjoy it. The Word *Perſona* in the Demand will include a Corporation well enough. *Ch. J. Vaughan.* Perhaps the Words *atque confirmat, &c.* in the Demand of Cognizance,

zance, are not material: for the Privileges of the Univerſities are grounded on their Patents, which are good in Law, whether confirmed by Parliament, or not. The Word *Perſona* does include Corporations: A Demand of Cognizance is not in derogation of the Common Law; for the King by Law may grant *tenere placita*, tho' it may fall out to be in derogation of *Weſtminſter-Hall*. Nor will there be a *Failure of Juſtice*; for when a Corporation is Defendant, they make them give Bond, and put in Stipulators, that they will ſatisfy the Judgment; and if they do not perform the Condition of their Bond, they may commit their Bail: They have enjoyed theſe Privileges ſome Hundreds of Years ago. The reſt of the Judges agreed, that the Univerſity ought to have cognizance. But *Atkyns* objected againſt the Form of the Demand, that the Word *Perſona privilegiata* cannot comprehend a Corporation in a Demand of *Cognizance*, however the Senſe may carry it in an Act of Parliament. *Ellis* and *Wyndham* ſaid, if neither Scholars, nor privileged Perſons had been mention'd, but an expreſs Demand made of Cognizance in this particular Cauſe, it had been ſufficient; and then a Fault, if there had been one, only in *Surpluſage*, and a Matter that comes in by way of Preface, ſhall not hurt: And ſo the Demand was allow'd as to Matter and Form.

2 *Inſt.* 536. *per Coke* on 31 *Eliz. ch.* 7.

Mod. Rep. Part 1. *p.* 163, 164, *&c.*

Since a Fellowſhip of a College is only for a private Uſe and Deſign, *viz.* for Study, *&c.* it has been adjudged that a Fellow cannot bring an *Aſſize*; but as a Prebendary, he has two Capacities, *Sole* and *Aggregate*; for he is a Member of a Corporation aggregate, and has a ſole Capacity in reſpect of his Fellowſhip: nor does a *Mandamus* lie for a Maſterſhip, Fellow-

ſhip, or Scholarſhip of a College; for *Mandamuſſes* do generally reſpect Matters of a publick Nature and Concern, and a College is a private Society as the Inns of Court: And beſides, for that they have their *Local* Viſitors appointed them either by the Common Law of the Realm, or the private Statutes of the College, as will be ſeen in the next Chapter.

A *Mandamus* was granted to reſtore a Fellow of *New College* in *Oxon.* and upon the Return of the Writ, the Court would conſider whether the Writ lay or not; and afterwards in *Hilary* Term, the 23d and 24th of King *Charles* II. the Caſe was argued on the Return by *Jones* for the Plaintiff, and *Coleman* for the Defendant; and a Return was made of their Foundation, that they were obliged to ſtudy ſo many Years, and then to take Orders; and that the Maſter and Scholars for Crimes enormous, ſcandalous and dangerous to the College, may expel any Fellow, and the Biſhop of *Winton* ſhall be Viſitor, and in caſe of Difference all Appeals ſhall be made to him and to no other: And *Appleford* having committed an Offence enormous, dangerous and ſcandalous to the College, and he being ſummoned and convicted thereof by the Warden, Sub-Warden, and thirteen Senior Fellows, was expell'd according to the ſaid Statutes: Hereupon he appeal'd to the Lord Biſhop of *Winton*, where the Sentence was affirmed. *Jones* took theſe Exceptions to the Return; firſt, It is not returned what the Offence was, ſo that the Court may judge whether this be a ſufficient Cauſe of Expulſion; and they are not to expel for any Cauſe but for ſuch as are ſcandalous and dangerous to the College; and of this the Court is Judge, as it was adjudg'd

Coke Rep. 5. 2. *Specot's Caſe.*

judged in this Court, 1655. between *Box* and *Woolaſton*. 2*dly*, They cannot expel but for enormous Crimes, and here it is return'd, that he was convict *de criminibus enormibus* without a *Daſh*, and omitting the Letter *n*; and *enormibus* without the Letter *n*, ſignifies nothing. And to the Matter it was argued, that a *Mandamus* well lies in the Caſe: This Court hath a Power to give Remedy by this Writ, when there is no other Remedy for the ſame thing by an *Aſſize* or Action upon the Caſe to recover Damages. The Warden of the College may have an *Aſſize*, but a Fellow cannot, if the other Fellows will not join with him, and they are thoſe who have injur'd and expelled him, and will not join with him for his Relief. A College is not a ſpiritual Corporation, and therefore can have no Remedy by an Appeal to the Ordinary; and altho' the Founder appoints an Appeal to the Biſhop of *Wincheſter*, and to no other, this cannot ouſt the Party injur'd of his Appeal to the King's Court for Juſtice. A Cuſtom, that if Goods be diſtrain'd, they ſhall not be replevy'd, is void; and the ſame of a Grant; and ſo if a Man by his Will appoints, that all Differences between Executors and Legatees ſhall be referr'd to and determin'd by *J. S.* and no other, this cannot ouſt the Parties of their Right to ſue at the King's Courts; and for Preſidents he cited Dr. *Widdrington*'s Caſe, and Dr. *Patrick*'s Caſe, in this Court. *Coleman* on the contrary ſuppoſing the Return ill, by the Exceptions taken to it; yet if it appears to the Court that the Writ does not lie, the Plaintiff cannot have Reſtitution; and if it appears, that the Sentence of the Viſitor is concluſive by the Foundation, the Founder may impoſe what Conditions he will on a Creature of his own making,

Coke 2. *Rep.* 68.

Littl. Sect. 212.

king, and if they will accept of the Charity, they ought to accept of it under the Conditions with which it is attended and obliged in its Creation; and ſo it differs from the Caſes put of a *Replevin*, *&c.* where there is a Law that directs what ſhall be done in the Caſe before the Grant, *&c.* 2*dly*, This is their private Society without any Influence on the Publick Weal or Government. He ſaid that *Bagge*'s Caſe was the firſt Preſident for a *Mandamus* of this kind, and all their Inſtances are touching Offices, which concern the Publick, and the *Mandamuſſes* mentioned in *Ryley's Placita Parliamentaria* are not, that Letters Commendatory ſhould be: And by *Bagge*'s Caſe it does not appear, that any *Mandamus* was ever granted for Reſtitution to private Eſtates; for if ſo, it may be well granted to reſtore a Perſon to his Eſtate or Land. 3*dly*, Colleges are Foundations of Bounty and Charity, and any Man may diſpoſe of his Bounty and Charity as he pleaſes.

Hale and *Twiſden*. Colleges are not ſpiritual Corporations or Foundations, but are private Societies, as the Inns of Court: And here it is ſaid by *Hale*, that the Biſhop is appointed, and no other; he hath given a Sentence, then what has this Court to do with it? This cures all the Faults of the Retorn. The Spiritual Court deprives a Man by Sentence, where they have Juriſdiction, the Cauſe of this ſhall never come in Queſtion in any Temporal Court, in an *Aſſize* or otherwiſe, ſo long as this Sentence remains in Force, but the Temporal Courts are bound thereby. A *Mandamus* lies to a College, but upon the Return the Court is to judge whether it hath any Power or not in the Caſe; and upon this Return it appears, that they have not any Power: To all which *Twiſden* and *Moreton* ſeem

ſeem to agree, *Rainsford* being ſilent; and the Opinion of the Court thus appearing, *Jones* deſir'd not to offer any other Argument, being ask'd the Queſtion by the Court.

Mod. Rep. par. 1. *p.* 82. *Levintz. Rep. par.* 2. *p.* 14.

A *Mandamus* was moved for to reſtore Doctor *Widdrington* to a Fellowſhip in *Chriſt*-College in *Cambridge*, which was oppos'd by *Jones*, becauſe the Univerſities have Cognizance of Pleas by their Charters, and Colleges have their Viſitors, and for this Reaſon no *Mandamus* will lie: But two Preſidents were remembred to have been cited by *Arth. Trevor* in Dr. *Goddard*'s Caſe of a *Mandamus* granted in ſuch Caſe, one in the Time of *Edw.* II. and the other in the Reign of *Edw.* III. to which *Jones* ſaid, that no *Mandamus* had been granted ſince: But Chief Juſtice *Foſter* ſaid, that one was granted about the End of Queen *Elizabeth*, or the Beginning of King *James*'s Reign; and upon this a *Mandamus* was granted: But the Court ſaid, that if they return Matters proper for themſelves to determine, this Court will remit the Matter to them: And in *Trinity* Term following a Return of the Writ was made, and ſome Exceptions taken to it upon a Miſnomer of the Corporation, and a Day given to amend the Return; and in *Mich.* Term following the Return was argued at Bar, which Return was of the Foundation of the College, and ſome of the Founder's Statutes, by which he appoints the Chancellor of the Univerſity to be their Viſitor; and on this it was ſolely inſiſted, that there being a ſpecial Viſitor appointed by the Founder, this Court ought not to meddle in the Matter, but all Appeals ought to be to him, and not to this Court, be the Foundation (which was much controverted) Spiritual or Temporal; and it was agreed, that if the Maſter of a College be wrongfully

Dyer Rep. *Dr. Canon's Caſe.*

wrongfully ouſted, an *Aſſize* will lie, but not if he be ouſted by his proper Ordinary or Viſitor; and as the King may give Licence to found a College, ſo he may give Power to make Laws for the Government of ſuch College, and by theſe they ſhall be governed, and no other; and the Acts done by ſuch Governors ſhall be intended *rite acta* and not examinable in this Court; and tho' it was objected, that this Court has Super-Intendency of all other Courts to hold them within their Juriſdiction, to which the Court agreed; yet ſince it appear'd not, that they had exceeded their Juriſdiction, they ought not to appeal to this Court; for if they ſhould, the Matters of Colleges and particular Juriſdictions would be drawn to this Court; and if they are aggrieved, they ought to appeal to their Viſitor; which if they had done, there would have been more Reaſon to hear them here; but to hear them now was to go *per ſaltum*, which ought not to be, for all Proceedings ought to be *per gradus*, as from one Ordinary to the next ſuperior Judge, and not at firſt Daſh to the *Metropolitan*, *&c.* And afterwards in *Hill.* Term, all the Judges deliver'd their Opinions, that a *Mandamus* did not lie on this Return: But that the Return containing many falſe and ſcandalous Matters touching the Doctors Reputation, the Court adviſed him to bring an Action on the Caſe for them as for a Libel, but would not relieve him by a *Mandamus.*

Coke Rep. 7. 42.

Theſe two Caſes I have recited more largely, becauſe I ſhall have further Occaſion of them in the next Chapter, when I come to treat of Viſitors and their Power.

All Heads and Fellows of Colleges are Creatures of their proper Founders, and muſt be ſubject

ject to the Rules, Limitations and Reſtrictions, which are preſcrib'd by the Statutes of their ſeveral and reſpective Foundations.

By the Canon Law every Head of a College in Prieſt's Orders, in reſpect of his Society only, is ſaid to have a Cure of Souls in ſuch College, although not formally and expreſly committed to him by any Statute thereof.

A College may be cited or ſummon'd by a Citation or Edict affix'd up in the Place, where ſuch College or Body Politick has been accuſtom'd to meet and aſſemble; and if in a College they ſhut their Gates againſt the Meſſenger, it may be affix'd on them, and the ſame may be done if the Meſſenger be hindred or prohibited to enter the College by any other Means. A College may alſo be ſummon'd by Proclamation made in publick Places of ſuch College by reading the Citation openly. Colleges may alſo be cited in their common and publick Hall, when they are met and aſſembled together: But a Citation on the Perſon of their Syndick is not ſufficient, that ſuch College ſhould be pronounc'd to be guilty of Contumacy, or to be *in dolo*; nor is it ſufficient, that the Head or Chief thereof be cited, for his Contumacy ſhall not prejudice or affect the Corporation it ſelf. And from hence it appears, that a College as a Body Politick may be cited two Ways, either *perſonally* or *ad Domum*; perſonally when a Citation is ſerved and executed on the College aſſembled in Chapter or Council; *ad Domum*, when the citatory Schedule is affix'd on the Gates, or ſome publick Place thereof, ſo that it may reach and come to the Knowledge of the publick Body; and before a College can be aſſembled it cannot be contumacious, but if it refuſes or delays to meet, it is otherwiſe. Every Member of ſuch Society

Society in his individual Capacity, is cited either by affixing the Letters citatory on the College, or his Chamber-Door, *&c.*

By a Statute made in the firſt of *Will. & Mary*, for the abrogating the Oaths of Allegiance and Supremacy, and appointing other Oaths, 'tis enacted, that if any Head or Fellow of any College or Hall in either of the two Univerſities, ſhall neglect or refuſe to take the Oaths thereby appointed, and before ſuch Perſon or Perſons as by any Act or Acts are authoriz'd to tender the abrogated Oaths, that then the Government or Fellowſhip of every Perſon ſo neglecting or refuſing ſhall be void. And the abrogated Oaths were enjoin'd by the 25th of *Charles* II. and the Fellows of Colleges *quatenus* Fellows were obliged to take them in the open Hall of every reſpective College, in the Preſence of the Head thereof or his Deputy: And theſe Oaths muſt be taken before the Admiſſion of ſuch Head or Fellow, *&c.*

There is alſo another Oath, *viz.* the Abjuration Oath to be taken by all the Members of Colleges and Halls in both Univerſities, that are or ſhall be of the Foundation, being of or as ſoon as they ſhall attain the Age of 18 Years, and all Perſons teaching Pupils in either Univerſity; and for Neglect or Refuſal thereof every Perſon ſhall be *ipſo facto* adjudg'd incapable, and diſabled in Law to all Intents whatſoever, to have, occupy, or enjoy ſuch Place, *&c.* in ſuch College, Hall, *&c.* and the Profits belonging to any one hereby. This Oath is to be taken within three Months after the Admiſſion of ſuch Perſon into ſuch College, Hall, *&c.* at one of the Courts at *Weſtminſter*, or at the next general Quarter Seſſions of the Peace, between nine and twelve in the Morning, paying only one Shilling for Entry thereof. All

All Leaſes, Grants, and Conveyances, made by the Maſters and Fellows of Colleges, are within the reſtrictive Statute of *Eliz.* where by they are diſabled to make any Leaſes, Grants and Conveyances of any of their Poſſeſſions, other than for one and twenty Years, or three Lives, to be reckon'd from the making of ſuch Leaſe, Grant or Conveyance, and this muſt be of Land uſually demis'd, and the accuſtom'd Rent or more muſt be reſerv'd with all the other Qualifications in the 32*d* of *Hen.* VIII. which ſee afterwards. *An.* 13. *cap.* 10. *Cap.* 28.

The Miſchief before this Act of *Eliz.* was, that ſeveral Colleges made Deeds of Gift, long Leaſes, and colourable Alienations, *&c.* of their Lands and Poſſeſſions, to the great Prejudice and Impoveriſhing of their Succeſſors, Leaſes having been made by ſome for an hundred, and by others for five Hundred Years to come, upon ſmall and inconſiderable Rents reſerved to them and their Succeſſors, receiving to themſelves large Sums of Mony, and other Gratuities for the Grant of ſuch Leaſes, *&c.* So that hereby in Proceſs of Time the Eſtates and Endowments of all Colleges muſt have been ſwallowed up, and in a Manner reduced to nothing. Therefore,

The wiſe Founder of *New* College in *Oxford* being ſenſible of this baſe and unworthy Proceeding among certain Colleges in his Time, has with much Prudence and Precaution not only prohibited all fraudulent Gifts and Alienations of his College Eſtates and Poſſeſſions both Temporal and Spiritual, to the Prejudice and Diſheriſon of all his ſucceeding Fellows, but has alſo limited and reſtrain'd all Grants and Leaſes by a *Local* Statute to a certain Number of Years, reſtraining Grants and Demiſes of Farms and Mannors to the Term of twenty Years, and thoſe of impropriated Eſtates to the Term of ten

ten Years only; and has prohibited the Sale of Alienations thereof for Term of Life, unleſs in certain Caſes in his Statutes expreſs'd, enacting the ſame for his other College near *Winton*.

The Wiſdom and Example of this great and excellent Man has been follow'd by other ſucceeding Founders herein. Yet by a Clauſe in the aforeſaid Statute of *Eliz.* it is nevertheleſs provided and enacted, That this Act, nor any thing therein contain'd, ſhall be taken or conſtrued to make good any Leaſe or other Grant to be made by any ſuch College or Collegiate Church within either of both the Univerſities of *Oxford* and *Cambridge*, or elſewhere within the Realm of *England*, for more Years than are limited by the private Statutes of the ſame College. Provided always, That this Act ſhall not extend to any Leaſe hereafter to be made, upon Surrender of any Leaſe heretofore made, or by Reaſon of any Covenant or Condition contain'd in any Leaſe heretofore made, and now continuing, ſo that the Leaſe to be made do not contain more Years than the Reſidue of the Years of the former Leaſe now continuing ſhall be at the Time of ſuch Leaſe hereafter to be made, nor any leſs Rent than is reſerved in the ſaid former Leaſe. And this Act is revived and continued by the two ſeveral Statutes cited in the Margin.

Cok. lib. 4. *fol.* 120. *lib.* 5. *fol.* 14. *Stat.* 1. *Jac.* 1.25. 21. *Jac.* 1.28. *Anderſ. Rep. par.* 1. *fol.* 65.

By a Statute in the 18th of *Eliz.* Chap. 6. upon all College Leaſes, a third Part of the antient Rent ſhall be reſerv'd in Wheat and Malt, after the Rate of ſix Shillings and eight Pence *per* Quar. for the beſt Wheat; and five Shillings *per* Qu. for the beſt Malt, to be delivered at the Colleges, and in caſe it be not delivered, to pay for them after the Rate and Price of the beſt Wheat and Malt which ſhall be ſold the next Market Day

Day before the Rent ſhould have been paid; and for Default of ſuch Reſervation the Leaſe ſhall become void; and the Markets that are to ſet the Prices are *Oxford* for *Oxford*, *Cambridge* for *Cambridge*, *Windſor* for *Eaton*, and *Wincheſter* for *Wincheſter* College: And that all collateral Bonds or other Aſſurances hereafter made to elude or defraud the Intention of this Act ſhall be void in Law. And the ſame Wheat, Malt, or Money coming of the ſame, ſhall be expended to the Uſe of the Relief of the *Commons*, and *Diet* of the ſaid Colleges, *&c.* and by no Fraud or Colour, let or ſold away from theſe Colleges, and the Fellows and Scholars in the ſame, and the Uſe aforeſaid, upon Pain of Deprivation of the Governor, and chief Rulers of ſuch Colleges, Halls, *&c.* and all other thereunto conſenting.

Provided always, That this Act or any thing therein contain'd, ſhall not extend or be in any wiſe prejudicial to any Leaſe to be made of a Barn, with a certain Portion of Tithes, riſing, growing and being in the Pariſh of *Southweek* in *Suſſex*, being Parcel of *Maudlin* College in *Oxford*, ſo that the Term demiſed in and by the ſaid Leaſe exceed not the Number of Ten Years, from and after the Feaſt of St. *Michael* next coming; any thing herein ſpecified to the contrary notwithſtanding.

Provided alſo, That this Act ſhall not extend to any Leaſe to be made by the Preſident and Scholars of St. *John Baptiſt*'s College in *Oxford*, to any Heir Male of Sir *Thomas White*, Founder of the ſaid College, which Leaſe ſhall be made according to the Meaning of the Foundation and Statutes of the ſaid College, of the Mannor of *Fiſield*, and no other Hereditaments.

In an *Ejectione firmæ* for Tithes, in the Caſe

of *Kemp* and *Hollingsbrook*, on this Statute of *Eliz.* by which 'tis enacted, That no Masters or Fellows of any College in *Oxford* and *Cambridge*, *&c.* shall make any Leaſe for Life or Years of any Farm, or of any of their Lands, Tenements, or other their Hereditaments, to which any Tythes, arable Land, Meadow or Paſture, doth or ſhall appertain, unleſs the third Part at leaſt of the antient Rent be reſerved and paid in Corn for the ſaid Colleges, *&c.* The Queſtion was, Whether the ſaid Statute ſhall be conſtrued to extend to Leaſes of ſuch extraordinary pecuniary Tythes, which are not natural, and paid in kind? And it was argued, That the ſaid Statute is to be intended of Tythes in kind; and alſo of ſuch things to be demiſed, which render Corn, Hay, *&c.* But the Tythes in *London*, which is the thing demiſed in this Caſe, render not any ſuch thing, but only Money, according to the Decree made for Payment of Tythes in *London*, in the Reign of King *Edw.* 6. And tho' the Words of the Statute be (*other Hereditaments*) to which any Tythes, *&c.* yet the ſaid Statute extends to Tythes in groſs, but they ought to be ſuch Tythes which are of ſuch Nature as Tythe-Corn and Tythe-Hay: And Ch. B. *Manhood* held clearly, That of theſe Tythes a Leaſe is good enough, notwithſtanding the Defect of a ſpecial Reſervation, which is limited and appointed by the Statute; and by him a Leaſe of a Houſe-Rent, Mill, Ferry, *&c.* are out of this Stat. And to the Tythes, notwithſtanding the Words of the Statute (*any Tythes*); yet he conceived the Stat. ought to be intended of Tythes of Common Right, and not of ſuch Tythes as thoſe of *London* are, and if all the Pariſhioners preſcribe *in modo decimandi*, *viz.* to pay a certain Sum of Money

Money for or in lieu of all manner of Tythes, upon Demiſe of ſuch a Rectory, ſuch ſpecial Reſervation is not neceſſary; for theſe are Tythes againſt *Common Right*, and no Tythes are within the ſaid Statute but thoſe which are annual; and therefore a Leaſe of Tythe-Wood is out of the Meaning of this Statute; for *non renovantur in annum.* And he ſaid, that upon a Leaſe of the Tythes of Cherry-Trees, a Rent ought to be reſerved according to the Statute, and the Farmer may bring his Cherries to the Market, and buy Corn. Juſtice *Shute* to the contrary; for the Words of the Statute are general. Note, That this Leaſe was of the Rectory of St. *Lawrence Jewry*, belonging to *Baliol*-College in *Oxford.* There was another Matter moved in this Caſe, becauſe the Leaſe, whereof the Action was brought, was made by Name of *Maſter* or *Guardian* and the *Fellows*, whereas the true Name of their College is *Maſter* and *Fellows*; and it was argued by *Atkinſon*, that the ſame is not a Miſnomer, which makes the Leaſe void, for *(ſive cuſtos)* are Words of Surpluſage, and ſo it was held by the Court: In the Caſe of the Cooks, the Corporation was by the Name of *Maſter* or *Governors* and *Commonalty Myſterii Coquorum, &c.* and they made a Conveyance by the Name of *Maſter* or *Governor* and *Commonalty artis ſive Myſterii Coquorum, &c.* and it was held good, as was this Leaſe. 7 *H.* 6. 13. *Plowd.* 531. 20. *Eliz.* *Leon. Rep. pt.* 1. *page* 19.

Yet notwithſtanding the wholeſom Proviſion made by the 13th of this Queen, there were evil Practices made Uſe of to defeat the Deſign of that excellent Statute by the granting of concurrent Leaſes; to cure this Miſchief there was another Act made in the 18th of *Eliz.* whereby Colleges are reſtrain'd to make any concurrent Leaſe or Leaſes of any of their Lands or Poſſeſſi- *Cap.* 11.

ons, until three Years within the Expiration of the former Term or Terms: And all Bonds, Grants, Deeds and Aſſurances whatſoever made, to elude the Meaning of this Act, are void, and of none Effect in Law. But by this Act it is provided and reſerved, that St. *John*'s College aforeſaid may from Time to Time demiſe the Mannor of *Fifield* aforeſaid, with the Copyholds and Appurtenances, to every Heir Male of the ſaid Sir *Tho. White* ſucceſſively, according to the Form of a Leaſe made to *Ralph White*, Brother of the ſaid Sir *Thomas*, and every Covenant made or to be made for the Performance of the ſame ſhall be good in Law, as if the Act made in the 13th of *Eliz.* Chap. 10. had never been made. But take this Part of the Statute in its own Words, *viz.* 'And whereas Sir *Tho. White*, 'late Knight and Alderman of *London*, for Ad'vancement of good Learning, hath founded 'one College in the Univerſity of *Oxford*, cal'led St. *John Baptiſt*'s College; and being ſei'zed of the Mannor of *Fiſhyde* alias *Fifield* in 'the County of *Berks*, did together with all o'ther his Lands, Tenements and Hereditaments, give and aſſure the ſaid Mannor, with 'all the Appurtenances, to the Preſident and 'Scholars of the ſaid College for ever. And 'nevertheleſs, the ſaid Sir *Thomas White* having 'then one *Ralph White* his Brother living, and 'ſundry Kinſmen, to whom by courſe of the 'Common Law his Lands might have deſcend'ed, did deviſe and order, and by the Statutes 'which he provided for the ſaid Houſe, and by 'order of the now Viſitor of the ſaid College, it 'is ordain'd, That the ſaid Mannor of *Fiſhyde* al. '*Fifield*, with the Appurtenances, ſhould be de'miſed by the ſaid Preſident and Scholars for 'the Time being, to the ſaid *Ralph*, for the

'Term

'Term of 29 Years, if the ſaid *Ralph* ſhould 'ſo long live, and ſo it is intended, that from 'Heir Male to Heir Male of the ſaid Sir *Tho-* 'mas White, new Deviſes ſhould from Time to 'Time be made of the ſaid Mannor with the 'Appurtenances, to every ſuch Heir Male ſuc- 'ceſſively, for the Term of 29 Years, if ſuch 'Heir ſhould ſo long live, yielding to the ſaid 'Preſident and Scholars for the Time being, 'ſuch Rent as now is reſerved, with ſuch far- 'ther Covenants and Conditions, as by the ſaid 'Sir *Thomas White* or Viſitor is agreed and ap- 'pointed.

'And whereas ſince the Deceaſe of the ſaid 'Sir *Thomas White*, the ſaid Aſſurances to the 'ſaid Preſident and Scholars, in all or moſt part 'of the Lands, Tenements and Hereditaments 'of the ſaid Founder, were found in ſome Re- 'ſpect imperfect, and inſufficient in Law; and 'that thereupon the ſaid *Ralph White*, to whom 'the Advantage of ſuch Imperfection came by 'Law, did nevertheleſs take no ſuch Advan- 'tage, but did willingly make perfect the ſaid 'Aſſurances, according to the true Meaning of 'the ſaid Sir *Thomas White* his Brother, accept- 'ing only one Leaſe of the ſaid Mannor in ſuch 'ſort, as the ſaid Viſitor was appointed, with 'the Copy-holds and other Appurtenances of 'the ſaid Mannor; for Remedy whereof, be it 'enacted, That the Preſident and Scholars of the 'ſaid College may from Time to Time demiſe 'the ſaid Mannor, Copy-holds and other Ap- 'purtenances, to every Heir Male of the ſaid 'Sir *Thomas White* ſucceſſively, according to 'the Form of a Leaſe thereof already made to 'the ſaid *Ralph*; and that every ſuch Leaſe ſo 'to be made, and every Covenant made or to 'be made, for the Performance of the ſame,

'ſhall be good in Law, as if the ſaid Act made 'in the ſaid 13th Year had never been had or 'made: Any thing in the ſaid Act made in the '13th Year, or any other Act or Matter what-'ſoever to the contrary notwithſtanding.

College Leaſes ſhall not be extended to be void by the Stat. of the 13th of *Eliz.* if made of any Houſe, not the Capital Houſe, nor above 10 Acres of Ground, in any City, Borough, or Market Town, or Suburbs thereof: But the ſame may be made as they might have been before the Stat. of the 13th of *Eliz.* Chap. 10. and ſo ſhall be good by the Stat. of the 14th of *Eliz.* Chap. 11. Sect. 17. *Crane verſus Taylour*. For though the Stat. of the 13th of *Eliz.* Chap. 10. be general againſt all Leaſes and Grants, other than for twenty one Years, and three Lives of all the Poſſeſſions of, *&c.* yet this Stat. of the 14th of *Eliz.* which is ſhuffl'd into an Act of Continuance of Statutes, enacts, That the 13th of *Eliz.* (naming it) ſhall not extend to any Houſes in Cities or Towns, *&c.* but that the ſame may be granted, demiſed, *&c.* as they might lawfully have been, and as if that Stat. had not been made: So that Stat. ſets all looſe touching ſuch Houſes in Cities, as againſt the Stat. of the 13th of *Eliz.* and therefore that Stat. of the 14th of *Eliz.* Chap. 11. makes a new Law of it ſelf for them, that no Leaſe ſhall be made of them in Reverſion, which was not reſtrain'd by the 13th of *Eliz.* as appears by the 18th of *Eliz.* which provides for that Miſchief not provided for before. Alſo the 14th of *Eliz.* Chap. 11. forbids Alienations of ſuch Houſes, except there be full Recompence given to the Church or College at the ſame time, ſo as with ſuch Recompence they may alien in Fee, which was not permitted by the 13th of *Eliz.* Then comes

Hob. Rep. p. 269.

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Chap. 10.

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comes in the Stat. of the 18th of *Eliz.* which recites, that ſince the making of the 13th, divers Leaſes were made long before the Expiration of the former againſt the Meaning of the Stat. of the 13th, and enacts that all Leaſes made of Lands, whereof any former Leaſe was then in being, and not to be ended within three Years, ſhould be void; and that all Bonds and Covenants for making Leaſes againſt the Intent of the 18th and 13th of *Eliz.* ſhould be void; ſo that this Stat. toucheth not the 14th of *Eliz.* which permitted not in Reverſion at all, nor was named or mentioned in this Statute. *Ch.* 6. *Ch.* 10.

A Leaſe made by a College to begin at a Day to come, is made good by the Stat. of 14. *Eliz.* if it does not exceed the Term of 40 Years from the making thereof; for the Purpoſe of this Act was, that Colleges and the like ſhall [not] make Grants in Reverſion, tho' but for a Year; and the Reaſon was, becauſe by ſuch Grants in Reverſion they ſhall be excluded to have their Rent of the particular Tenants for the Time. But to make a Leaſe for twenty Years to one in Poſſeſſion, and to make another Leaſe to another for twenty Years, to begin after the End of the former Leaſe, is good; for that one and the other do not exceed 40 Years comprized in the Stat. *Thompſon* and *Trafford*. *Poph. Rep. p.* 9.

Now the Stat. of the 32 *H.* 8. Chap. 28. ordains certain Qualifications of Leaſes made by Eccleſiaſtical Perſons, and Maſters of Colleges and Hoſpitals are bound by it.

Firſt, Such Leaſe muſt be made by Writing indented, and not by Deed or by Parol Agreement.

Secondly, Such Leaſe muſt begin from the Day of the Date of the Making thereof, or from the making thereof; but by the Statute of the

1ſt of *Eliz.* and the 13th, they muſt begin from the making, or from the Time of the Commencement.

Thirdly, If there be an old Leaſe in being at the Time of the making of ſuch new Leaſe, it muſt expire, be ſurrendred or ended within a Year after the making of ſuch new Leaſe, and ſuch Surrender muſt be abſolute and not conditional. But by the 18th of *Eliz.* the old Leaſe is to be expired within three Years next after the making the new Leaſe.

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Fourthly, There muſt not be a double Leaſe in being at one and the ſame Time, the one for Years and the other Lives. The Words are for twenty-one Years, or three Lives, ſo as one or the other may be made, but not both: *Elmer's* Caſe. A Leaſe to *J. S.* for the Lives of his three Sons, is good and warranted againſt Colleges.

5 *Cok. Rep.*

Cro. Jac. p. 76.

14 *Eliz. Ch.* 1.

Fifthly, Such Leaſe muſt not exceed twenty-one Years, or three Lives, from the making of it, but it may be for a leſſer Term, or fewer Years. A Leaſe for 99 Years, if one, two, or three Lives ſo long ſhall live, is good within this Statute.

8 *Rep. p.* 20. *b.*

Sixthly, It muſt be of Lands and Tenements, manurable or corporeal, out of which a Rent may be reſerved, and not of things that lie in Grant, as Advowſons, Fairs, Markets, Franchiſes, Tythes, Toll, *&c.* out of which a Rent cannot be reſerved; where Tythe and Land together are demiſed, rendring the accuſtom'd Rent, the Succeſſor cannot avoid the Leaſe in the whole, or as to the Tythes only; it muſt be good, or elſe Tythe in no Senſe could be demiſed.

Vaugh. Rep. 204.

Seventhly, Such Leaſe muſt be of Lands and Tenements, which have moſt commonly been letten to farm, or occupied by the Farmers thereof by the Space of twenty Years next before the Leaſe made, or by the moſt part of twenty

twenty Years; ſo that if they have been let for eleven Years at one or ſeveral times within the twenty Years next before the making of the new Leaſe, it is ſufficient. But this ſeems not to be Law; for the firſt Part of the Statute as to Leaſing, ſeems to refer to a more ancient Time, and the latter Part of Farmers to 20 Years. The beſt Conſtruction is, that it ought to be anciently, and alſo lately letten. And by *Vaughan* uſually letten ſhall be intended Lands twice letten. 1 *Inſt.* 44. *b.* *Sid. Rep.* 416. *Vaug. Rep.* p. 30.

A Grant by Copy of Court-Roll in Fee for Life or Years, is ſufficient letting to farm within this Statute: *Baugh* and *Heines*'s Caſe. Land is accounted uſually demiſable, when it is always demiſed, whether by Indenture, Copy of Court-Roll, *&c.* as if it had been uſually let at Will at Common Law rendering Rent: But it is not ancient Rent, where more is letten than was before: *Mountjoy*'s Caſe. *Cro. Jac.* p. 76. 5 *Rep.*

Eighthly, Upon every ſuch Leaſe there muſt be reſerved yearly, during the ſame Leaſe, due and payable to the Leſſors and their Succeſſors, *&c.* ſo much yearly Farm or Rent, or more, as hath moſt accuſtomably been yielded and paid for the Land ſo demiſed within twenty Years next before ſuch Leaſe made. And if Land uſually letten be demiſed with any other Lands, *&c.* tho' a Rent be reſerved, which exceeds the Value of thoſe Lands, and the old Rent; yet ſuch Leaſe ſhall be avoided by the Succeſſor, and is not warranted by the Statute: For the accuſtomable Rent is not obſerv'd and reſerv'd; ſince Part was not accuſtomably letten, and the Rent iſſues out of the Whole. 5 *Rep.* 5 *&* 6.

If the accuſtomable Rent had been payable at four Feaſts or Days in the Year, yet if it be reſerved by the new Leaſe to be paid at one Feaſt, if it be reſerved yearly, it is within the Stat. 1 *Inſ.* 44 *b.*

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The Reſervation of eight Buſhels of Corn is all one in Quantity, Value and Nature, and varies only in Words.

5 *Rep.* 5.

A Leaſe was made by *Corpus Chriſti* College in *Oxon.* reſerving twenty two Shillings, and no Corn, whereas the antient Rent was twenty two Shillings and four Pence. This Leaſe was void within the Stat. of the 13th and 18th of *Eliz.* *Dumport's* Caſe. If the yearly Rent be reſerved, tho' the Harriot and other caſual Services be omitted; yet it is ſufficient; and ſo it was reſolved in the Dean and Chap. of *Worceſter's* Caſe; Harriots being no annual Rent.: It muſt be *verus & antiquus reditus.* Therefore if the leſſer reſerves a deſſer Rent for a Term, and afterwards the full Rent, it is not good; for it muſt be antient Rent during the Term, and the Term and intire Term is all one and the ſame thing.

Cro. *Eliz. p.* 815. 4. *Rep.* 119.

If a College has two diſtinct Mannors that have been uſually demiſed together, and one intire Rent is reſerved for both Mannors, and theſe being out of Leaſe, the College may demiſe them ſeverally, reſerving Rents amounting in the whole rateably and good.

Keb. Rep.

Ninthly, Such Leaſe muſt not be made without Impeachment of Waſte; therefore if a Leaſe be made for Life to one, the Remainder to another for Life, the Remainder to a Third for Life, this is not good againſt the Succeſſor, tho' but for three Lives, becauſe the Remainders make the preſent Tenants diſpuniſhable for Waſte for the Time, 1 *Inſt.* 44. But if a Leaſe be made to one during three Lives, this is good; for the Occupant ſhall, if any happen, be puniſhed for Waſte: And thus far of Leaſes made by Colleges.

6 *Rep. p.* 37.

The Maſter and Fellows of *Magdalen*-College in *Cambridge*, convey'd the Land and Parcel of their

their College to Queen *Eliz.* againſt which they were reſtrained by Act of Parliament; upon which Conveyance a Rent was reſerved. The Maſter of the College accepts the Rent and gives a Receipt for it under his Hand, (not under the College Seal) this Acceptance of the Rent by the Maſter, ſhall not diſable and conclude him and the Fellows to enter into the Lands ſo alienated; for that this Body Politick is a Body aggregate of many, and the Maſter only by his Acceptance may not diveſt any Right or Intereſt which is in him and the Fellows, and conclude him (eſpecially it being without a Deed) to enter into the ſame. 13 *Eliz.* *Coke* 11. *Rep.*

1*ſt Q.* If the ſaid Conveyance made to Queen *Eliz.* by the Maſter and Fellows of the ſaid Houſe, of Parcel of the Poſſeſſion, after the Act of 13. of *Eliz.* was reſtrain'd by the ſaid Act? *Per Curiam* the Act of the 13th of *Eliz.* reſtrains the ſaid Maſter and Fellows to convey the Houſe to the Queen: Tho' the Queen is not named in the Act, ſhe is within the Words, any Perſon or Perſons, Body Politick, *&c.* and the Intent for the Preſervation of Church and College-Land, *&c.* 2*d Reaſon.* The Maſter and Fellows are diſabled by the ſaid Act to grant, and then if they are diſabled, the Queen may not take of them.

2*d Q.* Admitting the ſaid Conveyance was reſtrained by the Act of 13 *Eliz.* whether the ſaid Act of 18 *Eliz.* had ſupplied the Defect of it, and made it perfect? *Per Cur.* The Stat. of the 18th of *Eliz.* had not given any Vigour or Effect to the Grant made to the Queen; for ſuch Conveyances are made by that Act which is for Satisfaction of Debts and Sums of Money, or other good Conſideration; and this Grant to the Queen not being for any Debt, Sum of Money,

ney, or other good Conſideration, it is out of the Letter of the Act, and the Rent was not payable till *Michaelmas*, and the Queen was compellable to grant in *April*. But admitting it had been for Satisfaction or Sum of Money, or other good Conſideration, yet the Act of the 18th of *Eliz.* ſhall not extend to this Caſe, for they are diſabled by an Act of Parliament in the 13th of *Eliz.*

Q. 3. If the ſaid Fine and Non-claim for five Years ſhall bind the Right of the ſaid College? *Per Curiam* it ſhall not. The Fine doth not bind them. The Eſtate convey'd to the Queen was good, during the Life-time of the then Maſter or Preſident, who was alive at the Time of the Fine levied, and could enter or claim during his Life (for ſo long it was good) but if the ſucceeding Maſter enters within five Years after his Death, this Entry ſhall avoid the Fine. *Magdalen* College Caſe.

Cok. 11. *Rep.*

If a College be without or wants a Head, it cannot make Claim, or continue Claim, becauſe the Fellows have then no Ability or Capacity to ſue any Action; and a Grant ſo made to them is void, becauſe the Body is not then compleat: But in that Caſe, if a Leaſe for Life be made, the Remainder to the Warden and Fellows of *Merton*, the Remainder is good, if there be a Warden elected during the particular Eſtate.

If by Licenſe Lands are given to the Preſident and Fellows of the College of the Holy and Undivided *Trinity* in *Oxon.* this is good, tho' the Preſident be not named by his proper Name, if there were a Preſident at the Time of the Grant made; but in pleading he muſt ſhew his Proper Name: And the Judges in the 13th of *Edward* IV. held the Grant good to a Mayor, Alder-

1 *Inſ.* 3. *a.*

dermen and Commonalty, although the Mayor was not named by his proper Name, but in pleading he muſt ſhew it.

Upon an *Ejectione firmæ* the Plaintiff declared upon a Leaſe made by the Warden and Fellows of *All-Souls* College in *Oxon.* without naming any Name of the Warden; and, by the Court the Declaration was held good enough, and they relied eſpecially upon the Book of 21 *Ed.* 4. 15, 16. where an Action of Debt was brought by the Dean and Chapter without any Chriſtian Name, and the Writ was held good. And by *Anderſon* it ſtands with Reaſon, foraſmuch as the College was incorporated by the Name of Warden and Fellows, and not by any Chriſtian Name, that they may purchaſe and leaſe by ſuch Name, without any Chriſtian Name, and may be impleaded, and implead others by ſuch Name; and as the Fellows need not in ſuch Caſe to be named by their Chriſtian Names, no more ought the Warden; and 12 *Hen.* 4. 151. is, that if a Leaſe be made by Dean and Chapter in theſe Words, *viz. Nos Decanus & Capitulum*, the ſame Leaſe is void: which was granted by the Court in *Carter* and *Claycrade*'s Caſe. 1 *Lev.* 307.

Merton-College in *Oxford* was incorporated by the Name of *Guardiani & Scholarium Domûs ſive Collegii Scholarium de Merton in Univerſitate Oxon.* and they afterwards made a Leaſe *per nomen Cuſtodis Domûs ſive Collegii de Merton in Oxon. & Scholarium ejuſdem Domûs*; and four Variances were obſerved, 1*ſt*, *Guardianus*, *Cuſtos*. 2*dly*, The Senſe was *per nomen Domûs ſive Collegii de Merton*, omitting the Word *Scholarium*. 3*dly*, For *in Univerſitate Oxon.* the Leaſe was in *Oxonia*. 4*thly*, *Scholares* was miſplaced, for they come in the End, whereas in the Charter of Incorporation, they are named immediately after

after the Guardian. *Per Curiam*, the ſecond Variance is Subſtance, for the Charter had baptized the College by the Name of the College of the Scholars of *Merton*, and they have made a Leaſe by the Name of the College of *Merton* himſelf, who in Truth was the Founder. But *Hobart*, p. 125. thinks this a hard Judgment, which he ſhould have hardly given; for ſince they were named Scholars of the Houſe in one Part of the Name, it muſt follow, that it was the Houſe of the ſame Scholars, as the Burgeſſes of *Lyn* implied that *Lyn* was a Borough.

Aula Reginæ in Oxon. was incorporated by this Name, *viz. Præpoſitus & Scholares Aulæ Reginæ de Oxon.* and they make a Leaſe by the Name of *Præpoſiti, Sociorum, & Scholarium Aulæ vel Collegii Reginæ in Univerſitate Oxon.* in which there are three Additions, *(Sociorum) (vel Collegii) (Univerſitat.)* and one Alteration, *viz. de* for *in*, yet it was reſolved to be good enough, and the College is nominated in ſuch Caſe, as it might well be diſtinguiſh'd. *Ayre's* Caſe.

Cok. 1. Rep.

King *Henry* VIII. incorporated the Scholars of *Trinity* College in *Cambridge*, by the Name of Maſter, Fellows and Scholars, *Collegii Sanctæ & Individuæ Trinitatis* in the Town and Univerſity of *Cambridge*; and in the firſt of *Edw.* VI. they made a Leaſe by the Name of Maſter and Fellows of *Trinity*-College in *Cambridge*, leaving out the Univerſity. *Yelverton* argued, that this was a void Leaſe, as if it had been made by the Maſter and Fellows of *Trinity*-College in the Town, and left out the Univerſity of *Cambridge*, it had been void. *Walter contra*, who cited the Opinion of the Lord *Popham* in *Burton's* Caſe, that a Corporation cannot be limited to a County, as *probos homines* of ſuch a County, but it ought to be reſtrain'd

ſtrain'd to ſome certain Place; beſides, the Univerſity is not local but perſonal, as King *Henry* III. intending to keep a Parliament at *Oxford*, directed his Writ to the Chancellor and Univerſity of *Oxon.* commanding them that they remove the Univerſity to ſuch a Place till the Parliament ſhould be ended, and afterwards ſent his Writ and willed them to return; ſo that by this it appears, that the Univerſity is a Perſonal and not a local Thing; for if it were a Place it could not be removed. The Lord *North*'s Caſe was this, *Chriſt-Church* in *Oxford* was incorporated by the Name of the Dean and Canons of *Chriſt-Church* in *Oxon.* and they made a Feofment by the Name of the Dean and Canons of *Chriſt-Church* in the Univerſity of *Oxon.* and it was adjudg'd a good Feofment, *&c.* 2. *Brownl. Rep.* 243.

But this Caſe of the Dean and Chapter of *Chriſt-Church* is more fully reported in my Lord Chief Juſtice *Popham*, p. 56. under the Name of *Button* and *Wrightman*'s Caſe.

The Dean and Chapter of *Chriſt-Church* in *Oxon.* were incorporated by King *Henry* VIII. by his Letters Patents, by the Name of *Dean and Chapter of the Cathedral Church, &c. in Oxon.* of the Foundation of K. *Henry* VIII. and ſo to be called for ever. The Dean and Chapter being ſeized of an Houſe and Land in Fee *in jure, &c.* by the Name of the Dean and Chapter *Eccleſiæ Cathedralis Chriſti in Academiâ Oxon. ex Fundatione H.* 8. enfeoffed the Lord *North* by Deed, dated 1 *Ed.* VI. the Plaintiff claimed by Leaſe under Queen *Eliz.* and in a ſpecial Verdict it was found, that the City of *Oxford* and the Univerſity of *Oxford* were all one. *Per Popham, Gawdy* and *Clench*, this is not ſuch a Miſnomer as ſhall make the Feofment void; for ſuppoſe it had been *Decanus & Capitulum Eccleſiæ*

cleſia Cathedralis Chriſti in Civitat. Oxon. it had been good, for *Oxon.* and *Civitas Oxon.* are one and the ſame thing. And by *Popham* the Place of a Corporation may be well reſembled to the Sur-name of a Man; and it is not good to ſay Mayor and Commonalty, Dean and Chapter, without ſaying of what Place. And in the Caſe of a Corporation 'tis ſufficient to have a juſt Demonſtration of the Place where the Corporation is, altho' it be not by the preciſe Words comprized in the Charter. And the naming *Academia Oxon. pro Villa Oxon.* is good, becauſe it tends but to a particular Place, as a City, Town, *&c.* But to erect an Hoſpital by the Name of an Hoſpital in the County of *Surry*, or in the Biſhoprick of *Winton* is not good, becauſe he is bound to a Place too large and uncertain; but a College erected in *Academia Oxon. vel Cantab.* is good for the Reaſon aforeſaid.

Action on the Caſe againſt *Hawkſhead* for taking Toll for Paſſage over the Weſt End Bridge of *W.* and ſhews for Title the Letters Patents of King *Henry* VI. *anno 2do regni* to the College of *All-Souls* in *Oxford*, for them, their Tenants and Farmers, to be quit of Toll, and conveys himſelf as Farmer to the College; yet the Defendant for ſuch a Time had taken Toll of him againſt the Form of the Patent, *&c.* The Defendant pleaded in Bar the Statute of the 28th of *Hen.* 6. of Reſumption of all Liberties and Franchiſes formerly granted by *Hen.* 6. The Plaintiff by Way of Replication pleaded the Statute of the 4th of *Hen.* 7. by which all the Patents granted by *Hen.* 6. to this College, are made good, the Statute of the 28th of *Hen.* 6. notwithſtanding. The Defendant demurred, this is no Departure; for there is no new Matter contained in the Replication, other than what

no

was in the Declaration; for the Title of the Plaintiff ſtill remains upon the Letters Patents, and is one Title in one and the other. *Wood* and *Hawkſhead*. *Yelv.* 13, 14.

Although theſe Colleges by their Foundation have not any Juriſdiction or commanding Power, yet nevertheleſs they have always a reſtraining Authority given them by their Statutes and Privileges; which Authority is ſometimes without and ſometimes with a Limitation; but when it is without any Limitation or Reſtriction, it is left unto the Wiſdom and Diſcretion of the Head and Governing Part thereof; and this Power ought to be uſed and exerciſed with the ſame Tenderneſs and Moderation as a wiſe Father would exhibit in the Chaſtiſement and Correction of his Children, and not with Rigor and Cruelty. Altho' Heads and Governors of Colleges are inveſted with this Power of correcting and puniſhing their Fellows and Scholars, yet this ought only to be underſtood in light Matters, and for ſuch Crimes and Miſdemeanours alone as are expreſs'd in their *Local* Statutes, or deducible from thence, according to the Exigency of the ſame; but they cannot proceed and correct as the Magiſtrate doth, by the Prince's Commiſſion and Authority.

In all Colleges, if the Queſtion be concerning any thing which is common to the Fellows in particular, and as a Part from the Community, as a Chamber, *&c.* the expreſs Conſent of every one of them is therein particularly neceſſary: But if the Queſtion be concerning that which is common to them all jointly and indiviſibly, it is ſufficient, if the greater Part of them concur in the ſame Opinion; for they bind the reſt; provided always, that nothing be ordained or decreed contrary to the College Statutes

legally eſtabliſh'd, or the Laws of the Realm.

Thus the College-Statutes and the Laws of the Realm ſtanding entire, the greater part of the College may make Decrees and Ordinances for the publick Welfare, which ſhall oblige the leſſer Part altogether, and every Fellow in particular: And thus alſo may all Acts and Decrees, which have paſs'd the Conſent and Approbation of the whole College, be repealed and abrogated by the greater Part, or according to the *Civil* and *Canon* Law (as already noted) by two Parts in three of the Body aſſembled.

A Perſon choſen by a College to treat of and conclude Matters common to the whole Society, ſhall bind every particular Fellow thereof, if ſuch Agents Commiſſion be *cum nuda relatione* to the College: But ſometimes he is only deputed to treat and debate Matters, and then to make a Report of his Proceedings to the College it ſelf, whereby he concludes nothing without the expreſs Conſent of the Body.

If there ſhould be a Statute made, which requires the Conſent of every individual Fellow in Matters relating to the College in general, ſuch Statute would be null and void from the Beginning; for if that might take Place, every particular Fellow by himſelf alone might impeach and hinder the wiſeſt Decrees and Reſolutions of the whole Society; which is contrary to the formal Diſpoſition of the Law, requiring that in all Acts touching a Corporation, the Judgment of the greater Part ſhould prevail over the leſſer: And ſuch a Majority may give Laws to all the Fellows in particular, whether the reſt of them be there preſent or not; for 'tis not neceſſary they ſhould all be preſent for this End, and that eſpecially in Matters of light Importance, *&c.* ſo that they be all ſummon'd thereunto. This

Conſent

Conſent of the greateſt Part muſt be had and given in the common Aſſembly of the College: For tho' all the Fellows ſhould ſeparately and apart agree unto any thing common unto them all, yet ſuch Act of Agreement is not effectual or valid; no, not altho' it ſhould be done in the Preſence of a Publick Notary: For that is not done by the College, which is executed by the Fellows ſingly. Nor is it ſufficient that the College be aſſembled, unleſs the Act be ſped in due Time and Place: For the Fellows are not bound to aſſemble at all Times and in all Places, as I have intimated already.

But in a Corporation within a Corporation this common Conſent of the major Part does not always oblige, nay never does proceed, where there are Perſons acting under different Characters, Denominations and Capacities, unleſs an uninterrupted immemorial Cuſtom, or ſome Statute, has rendred it otherwiſe, by requiring only common Conſent: and in confirmation hereof, I will cite a Caſe of my Lord *Dyer*'s *Reports*, *pag.* 247. *A.* where 'tis ſaid, That the Warden, three Burſars, five Deans, and five Senior Fellows of *New College* in *Oxford*, have Authority given them by the peculiar Statutes of the Houſe, to diſpenſe with the Abſence of a Fellow above the Space of two Months, to the Obſervation of which Statute they all take an Oath. The greater Part of them granted and aſſented unto ſuch Diſpenſation, and the Reſidue deny'd it. It was adjudg'd by the Opinion of the two Chief Juſtices, the Chief Baron, Juſtice *Whyddon*, *Brown* and *Weſton*, that this is not a good Diſpenſation or Leave of Abſence; for that it is out of the Caſe of the Statute of the 33*d* of *Henry* the 8*th*, *Chap.* 27*th*, which extends to Grants of Leaſes and other

Grants and Elections made by the greater Part of the whole Number of the Corporation, and not to any particular Number, as the Caſe is here. *Vide ante* of Negative Voices, Page 16.

By the *Civil* and *Canon* Law, a Perſon cannot be a Fellow in two Colleges at one and the ſame Time; which is to be underſtood, when the Studies and Exerciſes of one College do thwart and impeach his Studies and Exerciſes in the other, and eſpecially if theſe different Colleges have no Subordination the one to the other: for it may happen that he may be ſummon'd at one and the ſame time to theſe different Colleges, and he cannot ſerve both. *Abbas ſuper 3. Decretalium, Cap. 14. Num. 4.*

A College is preſum'd to be an Eccleſiaſtical Body or Corporation (as has been ſaid) according to the *Canon* Law, if the Number of *Clerks* be equal to or greater than that of the *Laicks*; and if not, it is confeſſed to be a Lay-Corporation: And no doubt our wiſe Founders of Colleges in our two Univerſities intended to make their Foundations as much Eccleſiaſtical as in them lay, as appears by the Style and Diſpenſation of their Statutes, which follow the Model of the *Canon* Law, for the moſt part, and ſquare beſt with it. Colleges erected for Learning within this Realm of *England* indeed were never accounted (as I can learn on the beſt Search I am able to make in our Law-Books) to be of Eccleſiaſtical Commencement, or ſubject entirely to the Diſpoſition of the *Canon* Law. Popes as well as Princes (it is true) have confirm'd the ſame by their Grants, and by this means have attempted to bring them under the Dominion of the Church: But their Papal Bulls have ever been diſallowed in our Courts of Law, as ſavouring of an uſurp'd Juriſdiction; which

which they came into through the Weakneſs of ſome of our Kings, and the Broils they met with both at home and abroad: And thus it happen'd, that the two Foundations of *New College* and *Maudlin*'s in *Oxford* were confirm'd and eſtabliſh'd by Papal as well as Royal Authority, their two Founders dreading the Conſequences of the Pope's future Greatneſs here in *England*. By a memorable Commiſſion in the Reign of Queen *Elizabeth*, occaſion'd through the Appeal of *William Wilſon* to the Court of *Arches*, from the Determination of the Biſhop of *Lincoln*, the Local Viſitor of *Lincoln College* in *Oxford*, it was adjudg'd on the Petition of the Chancellor, Doctors, Maſters and Scholars of this Univerſity, in the behalf and for the Preſervation of their Liberties, Privileges, Exemptions, *&c.* that all Colleges within the two Univerſities of *Oxford* and *Cambridge* were Lay-Corporations, and that it was in no Founder's Power to ſubject them to a ſpiritual Juriſdiction; it being urg'd on the Part of *Wilſon*, that the Biſhop of *Lincoln* was Viſitor of that College only of *Common Right*, and not by any Appointment of the Founder; and conſequently there being no Papal Exemption from the Power of the Dioceſan, it muſt by Appeal from him devolve to the Arch-Biſhop, and his Official, *jure Metropolitico*. This Caſe happen'd in the Buſineſs of an Election to the Rectorſhip of this College, wherein *Wilſon* was by the Arch-Biſhop of *Canterbury* recommended to the Choice of the Fellows, and therefore probably the Archiepiſcopal Power by way of Appeal was thought on for the Confirmation of *Wilſon*'s Election, in oppoſition to that of *John Underhill*, Fellow of *New College*, and Rector duly Elect of *Lincoln*, who was recommended to the So-

ciety by the Earl of *Leceiſter*, then Chancellor of the Univerſity. Thoſe who have endeavour'd to render Colleges Eccleſiaſtical Corporations, have ſupported their Opinions in the following manner: *Firſt*, they ſay, that they are in Law to be accounted Eccleſiaſtical Corporations, becauſe the Fellows thereof are called *Clerks*, and therefore their Study is Theology; and the Statutes of the College are, that they muſt enter into holy Orders, and ſo every College is of a ſpiritual Foundation. *Secondly*, Colleges are governed as other Eccleſiaſtical Corporations are, 8 *Aſſ. Pl.* 29, and 31 3. *Thirdly*, That a Thing of an Eccleſiaſtical Nature may be annex'd unto a College, as an Impropriation, *&c.* And *Fourthly*, That Colleges are in ſeveral Acts of Parliament reckon'd among ſpiritual Corporations, as in the 13*th* of *Eliz. Chap.* 10, *&c.* In anſwer to the firſt Objection, it is affirm'd by *Bodin*, in his Review of the Council of *Trent*, by *Selden* in his Diſſertations on *Fleta*, and many other excellent Lawyers, Hiſtorians, *&c.* that *Clerks* and *Scholars* are only ſynonymous Terms. And this appears from the principal End of the Foundation of our Colleges, *viz.* *Study* and a *Religious Education* (as has been already remembred in the Beginning of this Chapter.) And *Cambden*, in his *Britannia*, p. 381. ſays, that Places of Learning were in antient Time called *Studia generalia*, for that they were deſigned *pro bonarum literarum ſtudioſis*; *ad ſtudendum & orandum.* I ſhall proceed on the firſt as it chiefly has a Relation to *Clerks* and *Scholars* maintain'd and nurs'd up in theſe Societies, as by experience we ſee has always been in Human Learning principally, ſuch as Logick, Philoſophy, Mathematicks, *&c.* So that there is a plain Diſtinction to be made between

tween Colleges in the Univerſity, and Religious Houſes: And *Srom*, in reckoning up all the Colleges in both Univerſities, and their Foundations, ſhewing ſome originally founded for *Grammar*, others for *Logick*, and others for other Sciences, reckons none of them barely for Eccleſiaſtical Matters. *Lindwood*, 155. *Cap. de Magiſtris*, ſays, a College is only *Habitaculum Scholarium*; and 161. *Cap. de Hæreticis verbis ipſius loci*, where treating of the Juriſdiction of the Ordinary in puniſhing Hereticks, he puts this Queſtion, What if the Place be *non habens Eccleſiam parochialem, qui eſt locus Religioſus vel Collegium, aliuſve locus qui non ſubeſt Eccleſiæ parochiali?* So that *Collegium*, which is a Habitation for Scholars, is a Place diſtinct from *locus Religioſus*. And in truth, if we obſerve the Foundation of all *Religious* and *Eccleſiaſtical* Corporations and Societies, no one was ever ſeen, whoſe End was *ad ſtudendum*; their Deſign was either to pray for the Souls of Men departed this Life, or to obſerve ſuch and ſuch Canonical Hours, according to ſuch and ſuch an Order, their Mattins, Veſpers, Compline, and other ſolemn Offices tending to Divine Worſhip, which was already provided to their Hands, and ſuch as Men of little or no Learning might perform. They might contemplate upon what was already invented, ſtudied and agreed on, but not to excogitate new Matters in Religion: In ſhort, they went on in a Circle, and where they left off at Night they began the next Morning; they were not enjoin'd *ad ſtudendum*, but *ad celebrandum divina*. It is true, ſome Members of ſuch Corporations and Foundations have been Students, and have written learned Tracts, and have profited much in the liberal Arts and Sciences; but they were not

commanded by the Rules of their Societies ſo to do; for 'tis not Study, but the entire End of celebrating of Divine Worſhip, that makes an *Eccleſiaſtical* Corporation. For ſuppoſe a Man ſhould erect a Society, and direct that it ſhould be to ſtudy the Schoolmen or the Fathers, to enable them in the Polemical Parts of Theology, or to paraphraſe or make a Comment on the Bible, as the *Schola Conimbricenſis* did upon *Ariſtotle*, this wou'd not be a ſpiritual Corporation; for that the Spirituality conſiſts in *celebrando divina & fungendo divinis officiis*, and not in *ſtudendo*. *Ad orandum* is no more than what is imply'd; for Prayer muſt be concomitant with all Studies: A Lawyer, by my Lord *Coke*'s Rule of *Quatuor orabis*, may be as well an Eccleſiaſtical Perſon, if *ad orandum* wou'd render him Eccleſiaſtical. It may be ſaid of this Word *ad orandum*, as *Lindwood* expounds the Words of *circumſpectè agatis de mortali peccato*. *1ſt*, Says he, *non intelligas de omni peccato mortali, ſed de tali cujus punitio de ſui naturâ ſpectat ad forum Eccleſiaſticum*; for if the Church ſhould take cognizance *de ratione cujuſlibet peccati mortalis, periret gladii temporalis juriſdictio*; for that every evil Act would have ſomewhat of mortal Sin in it: So if the Injunction of ſaying ones Prayers wou'd make a Corporation ſpiritual, none of thoſe, which are without doubt Lay-Hoſpitals, but in their Creation wou'd be ſpiritual. Nay, in *Pits* and *James*'s Caſe Prayer for Souls was enjoined, and yet the Hoſpital was Lay. Antiently a Spiritual Corporation was not chargeable with Subſidies, nor taxed among the Laity. Now a College in the Univerſity, and likewiſe the Colleges of *Eaton*, *Weſtminſter*, and *Wincheſter* are ſo taxed in every Act of Subſidy, as we may ſee 21 *Jac.* 1. 3 *Car.* 1. and the laſt Act for Sub-

Raym. Rep. p. 108.

Hob. 121.

Subſidies, 15 *Car.* 2, *&c.* only there is a *Proviſo* to diſpenſe with the Payment thereof. Again, the Univerſity ſends Burgeſſes to the Parliament, which they cou'd not do, if they were a ſpiritual Corporation, *& eadem eſt ratio partis & totius*; if the whole be Lay, the eſſential Parts cannot be ſpiritual; and therefore Colleges herein muſt be Lay Corporations. Moreover their conſtant Application is to the Temporal Power upon all Occaſions of Grievances among them, whereby the ordinary Juriſdiction of the Dioceſan has been always paſſed by or ſet aſide, as having nothing to do in theſe Matters. For anſwer to the *Second* Objection, *viz.* Colleges are govern'd as other Eccleſiaſtical Corporations are: It is granted that the Local Statutes of Colleges are for the moſt part framed and conceived according to the Style of the *Canon Law* (as has been already affirm'd) and therefore they are well expounded by the Rules and Maxims of that Law; yet it is truly known, that if the Founder of a College ſhould preſcribe any Statutes or Inſtitutions for the Government of his Society, which are contrary to the Temporal Laws of the Land, ſuch Rules are void of themſelves, and want no Judgment to make them ſo. *Thirdly*, It has been alledg'd, that a thing of an Eccleſiaſtical or Spiritual Nature may be annex'd to a College, which has been yet judicially reſolved, and none have been ſo: ſince all the Impropriations they now have, were heretofore appropriated to Religious Houſes before their Diſſolution; and moreover it has never been yet decided, whether an Impropriation may not be to a Lay Corporation, there being no Judgment in *Alden* and *Tothill*'s Caſe. Having ſaid ſufficient at preſent to evince Colleges to be of Lay Corporation,

tion, I will reſerve my Anſwer to the 4*th* Exception to a more proper Place.

The Reſignation of a Head of a College ought to be made in *Collegii gremium*, to the Uſe and Behoof of the College, and not into the Hands of any particular Perſon, as Sub-warden, Vice-Preſident, *&c.* But a Fellow ought to make his Reſignation into the Hands of his Superior or Governor, to the Uſe of his Succeſſor. Theſe Reſignations ought to be made freely and voluntarily, and not thro' Fear or Compulſion: Nor may the Head of a College, upon the lawful Tender of a Reſignation made, refuſe to accept the ſame, where there is a Perſon already nominated and elected to ſucceed the Party renouncing his Right to a Fellowſhip therein; and if he ſhou'd ſo refuſe, no doubt but that a *Mandamus* wou'd be awarded to admit the Nominee; and if ſuch Nominee refuſed, ſhou'd be by any means defeated of his Right, a good Action for Damages wou'd lie againſt the Perſon thus refuſing to admit him. In the Caſe of *Baskerville*, it was ſaid, that if the Nominee has any Wrong done him, he ought to apply to the Local Viſitor for a Remedy, and not to the *Kings Bench* for its Interpoſition, until his Sentence; but it was anſwer'd, that he hath no Juriſdiction in this Caſe, for two eſpecial Reaſons: Firſt, He is only a private Judge appointed by the Founder, or the Law, to determine Offences againſt the Laws of the College or Place whereof he is Viſitor, and to decide Differences between Perſons already admitted to partake of the Founder's Charity, upon a Complaint or Appeal made to him; ſo that his Power only extends over Collegiate Perſons and Things: But here the Nominee is not of the College before Admittance,

Mod. Rep. Part 4. *p.* 368.

and

and therefore this Court may compel an Admittance: And 'tis as reaſonable, that this Court ſhou'd grant a *Mandamus* to the College to admit Perſons, as to grant ſuch Writs to Corporations, or to a particular Company, to make a Man free thereof; for where the Caſes are alike, the Remedies ſhould alſo concur. Secondly, The Power of a Viſitor is only to determine Rights upon Statutes, and not upon Grants and foreign Nominations. *Sed quære*, whether it be not more adviſeable to bring an Action on the Caſe for Damages, than to apply to the upper Bench for Relief, which I leave to every Man's Diſcretion. According to the *Civil* and *Canon* Laws, in all Points of Elections, he that canvaſſes or ſolicits the Suffrages of the Electors for the Choice of himſelf, renders himſelf unfit for the Dignity or Preferment to be diſpoſed in this manner; nay, ſo ſevere is the *Canon* Law herein, that it deems a Perſon guilty of Simony, who emits and puts up Prayers for his own Election: And it were much to be wiſhed, that theſe kind of Elections in Colleges, procur'd by Canvaſſing, and other undue Practices, were altogether as odious among the Electors, and as ſeverely adjudged and animadverted on by the Viſitors of Colleges. In all Elections whatſoever, the Electors ought to have a publick Summons given them by the Perſon, whoſe Duty and Buſineſs it is to call an Aſſembly to that End.

Vide Ab. de Elect. cap. per Inquiſ. n. 5.

Burſars of Colleges are the Adminiſtrators and Diſpenſers of the College Goods and Money, and therefore ought to render an Account of their Truſt: and in what Caſe ſoever any certain Number of Perſons do aſſume to execute this Office or Commiſſion of Truſt *indiſtinctly*, there (it ſeems) they do all in Law, if not

not by ſome expreſs Agreement, promiſe and become Sureties jointly and ſeverally for the Care and Honeſty of each other *in toto & per ſolidum*; and ſo may be jointly or ſeverally impleaded for the Fraud or Negligence of one or all of them: For it often happens, that in Commiſſions ſo executed, the better Condition of one of them is ſufficient Security againſt the Frauds and Laches of them all. But it is otherwiſe, if they act ſeparately in reſpect of ſuch Office or Commiſſion of Truſt, for then ſome foreign Caution may be thought requiſite and neceſſary, ſince in this Caſe the Fraud and Negligence of the one will not reach the other; becauſe they perform this Truſt *diſtinctly*, and are not Centinels on each others Proceedings, as in the former Caſe; and alſo for that one Perſon cannot be of equal Security in Law to many join'd in the ſame Truſt or Office; and therefore in the former Caſe they are not only ſeverally, but alſo jointly bound for the due Performance of this Truſt, *Socius tenetur Socio pro Ratâ, ſed aliis in ſolidum*, ſays *Straccha. Vide Deciſ. Rotæ Gen.* 97. *N.* 8. And theſe Rules are not only ſupported by the *Civil* Law, but alſo by the Municipal Laws of this Realm, and are of conſtant Uſe and Practice among us.

Dec. Conſ. 197. *per tot. Mar. Dec.* 780. *N. ult. Vol.* 1. *Max. Conc.* 1314. *per tot. Rip. in L. ſi is qui bona N.* 4. *H. de pig. Chancery Caſes. Part* 1. *pag.* 127.

The ſubſcribing Burſars Accounts is a preſent Satisfaction to the Parties ſubſcribing the ſame, but no abſolute Approbation thereof; ſince in paſſing all Accounts, Errors are excepted on both ſides; and this Subſcription may perhaps bar an Action of Account *ſtricto jure*, yet an Action *bonæ fidei*, *i. e.* an Equity, will not be precluded thereby, if the Error be detected, prov'd, and the Action brought within a reaſonable Time after ſuch Subſcription and Approbation. *Vide Marant. Prax. p.* 95. *n.* 71. By the

the Act of Limitation of Actions, an Action of Account muſt be brought within ſix Years, unleſs among Merchants. If an Accountant has loſt his Papers or Books by no Default of his own, he ſhall not be charged beyond his own Oath. Upon a Review of an Account by way of Exception of Error, the Account already ſtated ſhall not be again inquir'd or ravelled into, but by charging of Particulars. 21 *Jac.* 1. *ch.* 16. *Chancery Caſes, Part* 1. *p.* 299.

If the Head of a College labours under any Defect or Diſability of Mind, whereby he becomes uncapable of adminiſtring or diſcharging his Office, as it was the Caſe of the late *Principal* of *Brazen-noſe College* in *Oxford*, an Act done by him, or in his Bodily Preſence, is null and void, if his Preſence be neceſſarily requir'd thereunto. By Preſence here I underſtand that chiefly of the Mind, as the Underſtanding and Conſent of the Perſon; for a Man who is both deaf and dumb, if he can be made to underſtand by Signs and Tokens, ſo as to give a Conſent, he is preſent in Mind, and may act as an Agent perfect in Body; for that is ſaid to be done in the Preſence of any one, which is done *coram intelligente & prudente. L. coram* 209. *de V. O.*

In all Collegiate Matters, wherein a Fellow acts in purſuance of his general Oath taken at the Time of his Admiſſion into the Society, and not by virtue of any particular preſcript Form in the Statutes, and wherein his perſonal Preſence is not ſpecially requir'd, he may act and vote by leaving Proxy with one of his Fellows Collegiate: But this is not practis'd (as I know) in this Univerſity; yet ſuch a Proxy cannot be refus'd or deny'd.

The Provoſt, Fellows and Scholars of *Queen's College, Oxon.* are Guardians of the Hoſpital call'd

call'd *God's-Houſe* in *Southampton*, and they leaſe Lands, Parcel of the Poſſeſſion of this Houſe, by the Name of *Præpoſitus, Socii & Scholares Coll. Reginenſis Oxon. Gardianus Hoſpitalis*; and in an Ejectment on this Leaſe, it was found for the Plaintiff. In Arreſt of Judgment it was objected, that this Word *Gardianus* ought to be in the Plural Number, for that the College conſiſts of many Perſons, and like Abbot and Convent: but the Exception was not allowed.

Leon. Rep.

By an Act of Parliament in the 43*d* of *Eliz. Chap.* the 4*th*, being *An Act to redreſs the Miſimployment of Lands, Goods and Stocks of Money, heretofore given to charitable Uſes*; it is therein *provided*, that neither this Act, nor any thing therein contain'd, ſhall in any wiſe extend to any Lands, Tenements, Rents, Annuities, Profits, Goods, Chattels, Money or Stocks of Money, given, limited, aſſigned or appointed, or which ſhall be given, limited, appointed or aſſigned to any College, Hall, or Houſe of Learning within the Univerſities of *Oxford* or *Cambridge*, or to the Colleges of *Weſtminſter*, *Eaton*, or *Wincheſter*, or any of them, or to any Cathedral or Collegiate Church within this Realm.

By the 18*th* Article of K. *Henry* the 8*th*'s Charter, granted to the Univerſity of *Oxford* in the 14*th* Year of his Reign, bearing Date the firſt Day of *April*, all Farmers and Tenants to Colleges within the ſaid Univerſity, are exonerated and diſcharg'd from all Priſages, Chiminages, Captions and Carriages of Horſes, Carts, Waggons, *&c.* and are alſo thereby exempted from the Payment of all Tolls of Wheat, Barley, Oats, Peaſe, Beans, and all Grain whatſoever, and likewiſe for all manner of Victuals ſold in Markets, up and down the Realm of *England*: and there ſhould be ſome ſubſequent Royal

Royal Charters ſince granted, giving the like Toll and Duties to this or that Market; yet ſuch Charter will deſtroy or defeat the Privilege of Colleges, King *Henry* confirmed unto them by Act of Parliament, which no Royal Grant can overthrow.

By the 16*th* of King *James*'s Canons and Conſtitutions Eccleſiaſtical, agreed upon by the Convocation of the Clergy aſſembled *Anno* 1603. it is ordained, That in all Colleges and Halls in both Univerſities, the Order, Form and Ceremonies uſed in the whole Divine Service of the Liturgy, and Adminiſtration of the holy Communion, ſhall be duly obſerved, as they are ſet down and preſcribed in our Book of Common Prayer, without any Omiſſion or Alteration: And by the 17*th* of the ſaid Canons and Conſtitutions, all Maſters and Fellows of Colleges or Halls, and all the Scholars and Students in either of the Univerſities, ſhall in their Churches and Chapels, upon all Sundays, Holydays, and their Eves, at the Time of Divine Service, wear Surplices according to the Order of the Church of *England*; and ſuch as are Graduates ſhall agreeably wear with their Surplices ſuch Hoods as do ſeverally appertain unto their Degrees.

Likewiſe by the 23*d* of theſe Canons and Conſtitutions, it is ordained, that in all Colleges and Halls, within both the Univerſities, the Maſters and Fellows, and ſuch eſpecially as have any Pupils, ſhall be careful that all their ſaid Pupils, and the reſt that remain among them, be well brought up and thoroughly inſtructed in Points of Religion, and that they do diligently frequent Divine Service and publick Sermons, and receive the holy Communion, which is ordain'd to be adminiſtred in all ſuch Colleges

Colleges and Halls the firſt or ſecond Sunday of every Month: And all the ſaid Maſters, Fellows and Scholars, and all the reſt of the Students, Officers, and all other the Servants, are hereby requir'd to communicate four Times a Year at leaſt, kneeling reverently and decently on their Knees, according to the Order of the Communion Book preſcribed in that behalf.

Altho' there be no other than theſe three Canons, which have any expreſs Relation to the godly Government of Colleges and Halls in our two Univerſities; yet the Students therein are comprehended and ſubject to the general Direction of them, whereſoever they may be concern'd, as Chriſtians, and of the Church of *England*; notwithſtanding the wild Opinions of ſome Perſons, who think themſelves exempted by the Act of Toleration.

By the 19*th* Section in an Act of Parliament made in the firſt Year of *Edward* the 6*th*'s Reign, *Chap.* the 14*th*, entitled, *An Act for Chantries Collegiate*, it is provided, that this Act, or any Article, Clauſe, or Matter contained in the ſame, ſhall not in any wiſe extend to any College, Hoſtel or Hall, being within either the Univerſities of *Cambridge* and *Oxford*, nor to any Chauntry founded in any of the Colleges, Hoſtels or Halls, being in the ſame Univerſities, nor to the College called St. *Mary's* College of *Wincheſter*, beſides *Wincheſter*, of the Foundation of Biſhop *Wickham*, nor to the College of *Eaton*, nor to any Mannors, Lands, Tenements or Hereditaments to any of them belonging: And yet by Sect. 20. of the ſame Act, *it is enacted*, That the King may at any Time during his Life and Pleaſure, alter and change the Name or Names of all and ſingular Chauntries, and the Foundations of the ſame, being in

in any of the Colleges, Hoſtels, or Halls of any of the ſaid Univerſities, according as in his Godly Wiſdom he ſhall think meet and convenient; and by the 37th Section of the ſaid Act, it is provided and enacted, that the King's Majeſty at any Time when it ſhall ſeem to him good, may impower his Commiſſioners to alter the Nature and Condition of all manner of *Obits*, as well within the Univerſities of *Cambridge* and *Oxford*, as in any other Place within the Realm of *England* and *Wales*, being not ſuppreſs'd nor annihilated by Virtue of this preſent Act, and the ſame *Obits* ſo alter'd, to diſpoſe of them to a better Uſe, as to the Relief of ſome poor Men being Students or otherwiſe.

The Dean and Chapter of *Chriſt-Church* in *Oxford* commenced an Action of Treſpaſs, or (in the Phraſe of the *Civil* Law) an Action of Injury and Damage before the Vice-Chancellor of the Univerſity againſt *John Parrot*, *Leon. Williams*, and *Hen. Ancell*, Gent. who were thereupon arreſted, and committed to Priſon, *&c.* till ſuch time as they ſhould put in Stipulation to anſwer the Plaintiffs Action, to exhibit a judicial Attendance during the Proceedings in this Cauſe, and to ſatisfy the Judgment thereof, *&c.* And moreover it was alledged on the Part of the ſaid Dean and Chapter; That the Defendants *John Parrot*, *Leon. Williams*, and *Hen. Ancell*, did enter into the Plaintiffs Lands, Paſtures and Woods at *Hinkſey*, by Force and Arms, and did there tread down their Corn, Hedges and Graſs, and commit divers other Enormities, as more fully appears in the Libel given in this Cauſe, and remaining at the Acts of Court. But ſome few Days after this Impriſonment, the Defendants then in Cuſtody, by their Atturney, ſerved the Vice-Chancellor with *Bail.*

with a Writ of *Habeas Corpus cum cauſa*, iſſuing from the Lord Chief Juſtice of the *Queen's Bench*, and other the Juſtices of the ſaid Court, and directed to the Mayor and Bailiffs of the City of *Oxford*, and to the Vice-Chancellor of the Univerſity, and alſo to the Keeper of the Priſon commonly call'd *Bocardo*, commanding them to bring the Bodies of the ſaid Defendants, together with the Day and Cauſe of their Arreſt and Detention before them the ſaid Juſtices on the Day therein prefix'd; which Writ was received with proper Reverence and Reſpect, and then communicated to the Convocation for their Advice, which Houſe declared all Writs of this kind to be much in Derogation of the Privileges, Liberties and Immunities, of the Univerſity of *Oxford*, and that the ſame by Royal Grants had no Place or Effect therein, and this was ſignified to the aforeſaid Juſtices of the Queen's-Bench by a ſpecial Meſſenger elected for this End, who appear'd before the ſaid Juſtices, and in the Name of the whole Univerſity alledg'd, That he and every of them were by Oath oblig'd to obſerve the Statutes, Liberties, Privileges and Cuſtoms of the ſame; That the Chancellor and his Commiſſary or Deputy, has all and all manner of Juriſdiction and Power, where one of the Parties is a priviledg'd Perſon, and in all Cauſes and Matters whatſoever, (ſome few excepted) and therefore they cannot exhibit and produce the Bodies thus impriſon'd and detain'd (as premis'd) without Breach of the Univerſity Privilege: And after this Allegation was diſcuſſed by the Court, it was adjudg'd, that the Defendants *Parrot*, *Williams*, and *Ancell*, ſhould be diſcharg'd from Impriſonment, on their putting in ſufficient Caution or Stipulation *de judicio ſiſtendo & judicato ſolvendo*,

vendo, and to anſwer the ſaid Dean and Chapter before the Vice-Chancellor or his Deputy; yet notwithſtanding this Award, the Parties impriſon'd, on a Certificate thereof, refus'd to put in this Caution or Stipulation. Soon after another Writ was brought and directed to the ſame Perſons as the firſt, commanding almoſt the ſame thing, but not as before *ſimply*, but now under a Penalty of 40 *l.* The Tenor of which Writ follows, *viz. Elizabetha Dei gratiâ* Angliæ, Franciæ, & Hiberniæ *Regina, Fidei Defenſor, &c. Majori & Ballivis Civitatis noſtræ* Oxon. *ac Vice-Cancellario Univerſitatis ejuſdem Civitatis, nec non Cuſtodi Priſonæ noſtræ de Bocardo ibidem & eorum cuilibet Salutem. Præcipimus vobis, quod corpora* Johannis Parrot, Leon. Williams, & Henrici Ancell, *Generoſ. in priſonâ noſtrâ ſub cuſtodiâ veſtrâ aut alicujus veſtrûm (ut dicitur) detent' ſub ſalvo & ſecuro conductu, unà cum die & cauſâ Detentionum & Captionum ſuarum quibuſcunque nominibus iidem* Johannes, Leonardus & Henricus *cenſeantur in eâdem habeatis coram dilecto & fideli noſtro* Thomâ Gawdy *Milite, uno Juſticiariorum noſtrorum ad Placita coram nobis tenend' aſſignat' apud Hoſpitium ſuum communiter vocat.* Serjeants-Inn *ſituatum in* Chancery-lane, London. 15° *die inſtantis Menſis* Februarii *ad faciendum & recipiendum ea omnia & ſingula quæ idem Juſticiarius noſter ad tunc & ibidem conſiderabit in hâc parte: Et hoc nullatenus omittatis ſub pœnâ* 40 l. *& tunc habeatis hoc Breve. Teſte* Wray *apud* Weſtmonaſterium, x° *die* Feb. *anno Regni* 26°. Hereupon the Vice-Chancellor going to *London* laid the whole Matter before the ſaid Juſtices, eſpecially Sir *Thomas Gawdy*, one of the Judges of the Common Pleas, and pleaded the Liberties and Privileges of the Univerſity, conferr'd by Royal Grants, eſtabliſh'd by

Authority of Parliament, and ſtrengthened by Length of Time and conſtant Uſage; and perform'd all things meet and neceſſary touching the ſame with that Accuracy, that thinking he had fully ſatisfied the ſaid Juſtices, he return'd home, to hear and determine this Action by his Aſſeſſor. But afterwards even a third Writ like unto the former was tranſmitted with the Commination of 100 *Marks*, the Tenor of which Writ is as follows, *viz. Elizabetha, Dei gratiâ* Angliæ, Franciæ, & Hiberniæ *Regina, Fidei Defenſor, &c. Majori & Ballivis Civitatis noſtræ* Oxon. *ac Vice-Cancellario Univerſitatis ejuſdem Civitatis, nec non Cuſtodi Priſonæ noſtræ de Bocardo, ibidem & eorum cuilibet Salutem. Præcipimus vobis, quod corpora* Johannis Parrot, Leonardi Williams, & Henrici Ancell, *in Priſonâ noſtrâ ſub cuſtodiâ veſtrâ aut alicujus veſtrûm (ut dicitur) detent' ſub ſalvo & ſecuro conductu unà cum die & cauſâ captionum & detentionum ſuarum quibuſcunque nominibus iidem* Johannes, Leonardus, & Henricus *cenſeantur in eâdem habeatis coram dilecto & fideli noſtro* Gulielmo Ayliffe, *uno Juſticiariorum noſtrorum ad placita in Curiâ noſtrâ coram nobis tenend' aſſignat' die* Jovis 27° Febr. *apud* London. *ad faciendum & recipiendum quod idem Juſticiarius noſter de iis ad tunc & ibidem conſiderabit in hac parte, & hoc nullatenus omittatis ſub pœna* 100 *Marcarum: & habeatis ibi tunc hoc Breve. Teſte* Wray *apud* Weſtmonaſterium, 12° *die* Feb. *anno regni noſtri* 26°. Whereupon the Vice-Chancellor, attended with certain Doctors of this Univerſity, did on the 27th of *Febr.* appear before the Right Honourable Sir *William Ayliffe*, and proteſt, in Maintenance of the Privileges and Liberties of the Univerſity, againſt theſe Proceedings: by aſſerting the ſaid Writ (as appear'd to them) to be ſurreptitiouſly

ouſly obtain'd without the Knowledge of the Chief Juſtice: But a Return of the Writ was inſiſted on by the Court according to the Precept thereof, and that the Perſons impriſoned were exhibited with the Days and Cauſes of their Impriſonment; to which the Vice-Chancellor in no ways ſubmitted; but affixing his Anſwer to this Writ, he delivered the ſame to the Court with a ſuitable Reverence, which was as follows, *viz. Honorabili viro* Gulielmo Ayliffe, *uni Juſticiariorum Dominæ noſtræ Reginæ ad placita in Curiâ coram dictâ Dominâ Reginâ tenend' nos* Tho. Thornton *S. T. P. ac Almæ Univerſitatis* Oxon. *Vice-Cancellarius ſive Commiſſarius certificamus, quod ante adventum iſtius Brevis huic Schedulæ annex'* Johannes Parrot, Leonardus Williams, & Henricus Anſell, *in Brevi prædict' nominati, capti & arreſtati fuerint infra præcinctum Univerſitatis, prætextu cujuſdam Querelæ prius verſus eos coram Vice-Cancellario Univerſitatis prædict' ſive ejus Deputato legitimo ad Sectam & Inſtantiam quarundam privilegiatarum perſonarum Decani & Capituli Eccleſiæ Cathedralis* Chriſti Oxon. *ex fundatione Regis* Henrici VIII. *affirmatæ in quâdam cauſâ Tranſgreſſionis ſive Damni injuriarum dati: Et prædict'* Johannes Parrot, Leonardus Williams, & Henricus Anſell, *ſufficientem ſecuritatem de judicio ſiſtendi & legitimè comparendi ad reſpondendum dictis privilegiatis perſonis, viz. Decano & Capitulo invenire recuſârunt, prout & in præſenti recuſant; ideo in carcerem dejecti & ibi detenti ſunt: & cum ab illuſtriſſimæ Reginæ quæ nunc eſt Progenitoribus quondam* Angliæ *Regibus ex ſpeciali gratiâ & favore ſit inter alia Academiæ* Oxon. *privilegia conceſſum, & ab eâdem illuſtriſſimâ Reginâ in actu Parliamenti confirmatum, Quod Cancellarius Univerſitatis prædictæ ejuſve Deputatus & eorum Succeſſores, Seneſchallus,*

ſchallus, Subſeneſchallus, & alii Judices per dictum Cancellarium legitimè deputati, tàm de Tranſgreſſionibus & Malefactis quàm de Miſpriſionibus, Extortionibus, Conſpirationibus, Confederationibus, Manutentiis, falſis Allegiantiis, Computis, Contractibus, & Injuriis quibuſcunque, ac omnibus aliis articulis, quæ cadere poſſunt in finem vel redemptionem, ſeu in aliam pœnam pecuniariam, & de aliis Contractibus, Placitis, & Querelis perſonalibus; & aliis Cauſis & Materiis quibuſcunque quocunque nomine cenſeantur ſeu cenſeri poterunt, Aſſiſis & Placitis de libero Tenemento duntaxat exceptis, infra Villam Oxon. Suburbia ejuſdem, & quatuor Hundreda eidem Villæ & Suburbiis proxime adjacentia, nec non infra Comitatum Oxon. & Berkſ. vel alibi infra regnum Angliæ qualitercunque emergentibus, factis ſive perpetratis, faciendis ſive perpetrandis tam ad ſectam Dominæ noſtræ Reginæ, quàm ad ſectam partis vel alio modo quocunque, ubi Scholares vel eorum ſervientes ſeu Miniſtri, aut aliquæ aliæ perſonæ quæ aliquo privilegio dictæ Univerſitatis gaudere debeant vel debeat, quos vel quem dictus Cancellarius, Commiſſarius ejuſve locum-tenens clamare voluerint, eſt vel erit una partium per Scholares vel eorum Servientes aut Laicas gentes ejuſdem Villæ Oxon. aut per alios inquirant aut inquirere poſſunt, & plenam Correctionem & Cognitionem inde habeant, & Executionem inde ſecundum Statuta & Conſuetudines dictæ Univerſitatis vel Legem Regni Angliæ ad voluntatem prædictorum Cancellarii, Commiſſarii ſive ejus Deputati faciant; ac omnes & ſingulos Articulos, Cauſas, Materias & Querelas, (exceptis præ-exceptis) audiant & terminent: Ac omnia & omnimoda Amerciamenta, Forisfacturas & proficua inde provenientia ad commodum & utilitatem Univerſitatis prædictæ habeant, levent & percipiant per ſe aut Deputatos ſuos in perpetuum. Item, Quòd nullus Juſticiarius ad Placita coram Dominâ noſtrâ Reginâ tenenda aſſignat',

aſſignat' vel aſſignand' Juſticiarius de Communi Banco, Juſticiarius ad Aſſizas capiend' vel Goalas deliberand' vel Cuſtodes pacis ſeu Juſticiarius ſervientium, laboratorum, & artificum ſeu alii Juſticiarii vel Judices quicunque Seneſchallus vel Mareſchallus, vel Clericus Mercati Hoſpitii Dominæ noſtræ Reginæ ſe in aliquo intromittant: Et ſi iidem Juſticiarii aut alii Juſticiarii Dominæ noſtræ Reginæ, ſeu eorum aliquis in præſentiâ vel abſentiâ dictæ Dominæ noſtræ Reginæ ſuper aliquibus præmiſſis (exceptis præ-exceptis) inquirere vel aliqualiter cognoſcere vel intromittere præſumpſerint in futurum, iidem Juſticiarii vel alii Miniſtri & Officiarii prædict' ad certificationem ſeu ſignificationem Cancellarii Univerſitatis prædictæ qui pro tempore fuerit, ſeu ejus Commiſſarii ſeu Locum-tenentis inquiſitionibus & cognitionibus hujuſmodi aut cuicunque proceſſui, aut executioni inde qualitercunque faciendæ omnino ſuperſedeant & ſe inde ulterius in aliquo nullatenus intromittant. (And thus far out of the Charter *mutatis mutandis.*) *Et cùm nos Vice-Cancellarius ſive Commiſſarius antedictus ad obſervandum Privilegia, Libertates, Conſuetudines & Immunitates dictæ Univerſitatis jusjurandi religione aſtricti ſumus, ideò his de cauſis corpora prædictorum* Parrot, Williams, & Anſell *ſine privilegiorum noſtrorum violatione & juramenti læſione coram vobis præſentare & exhibere non poſſumus, ac proinde dictos* Parrot, Williams & Anſell *ad reſpondendum in Curiâ dictæ Univerſitatis nec non cauſæ prædictæ cognitionem vendicamus, humiliter ſupplicantes quatenus ulteriori proceſſui adverſus Vice-Cancellarium antedictum ſive Privilegia noſtra ſuperſedere dignemini.*

The Proceedings in the mean while went on in the Vice-Chancellor's Court againſt the Defendants, *Parrot*, *Williams* and *Anſell*, at the Dean and Chapter's Petition; and they were by a definitive Sentence condemn'd *ad Reſtitu-*

tionem dampni, and to pay Expences of Suit, and committed to Goal, until they paid the Matter adjudg'd: But the Juſtices at *Weſtminſter* threatned to levy the Penalties certified in the aforeſaid Writs, and forfeited as they pretended. Whereupon at length this whole Matter was brought before the Queen in her Privy-Council, to be there argued and conſider'd, which referred the Hearing and Examination thereof to Sir *Gilbert Gerard* Kt. and Maſter of the Rolls, and *Tho. Egerton* Eſq; her Majeſty's Sollicitor General, and afterwards our very worthy Chancellor; who, upon hearing both ſides, made an Order under their Hands, which the Privy-Council approved and confirmed, and moreover wrote a Letter to the Juſtices of the Queen's Bench, and all other Juſtices, to ſuperſede all Proceedings againſt the Vice-Chancellor in this Matter: And being informed by the Vice-Chancellor and his Deputy, that they and one *John Woodſon*, a Beadle of the Univerſity, were troubled in that Court about other Points in theſe Cauſes, and were in Danger of incurring Penalties; therefore the Privy Council having read and conſider'd their Charters in theſe Points, and finding both the Cauſes to belong to their Juriſdiction, and their Manner of Proceeding, and to have been agreeable to their Charters, and the ancient Uſe and Cuſtom of the Univerſity in the like Caſes, did require the ſaid Juſtices to ſee that neither the Vice-Chancellor, his Deputy, or the ſaid *Woodſon* did incur any Penalty for this their Defence of their Juriſdiction and Privileges, but that they may be freely and quietly diſmiſs'd without any further Trouble or Charge.

CHAP.

CHAP. III.

Of Local Viſitors of Colleges, their Power, &c.

BEfore I proceed to treat of the Power of *Local* Viſitors of Colleges, founded for the publick Benefit of uſeful Education and Learning in our two Univerſities, I ask Leave to premiſe by way of Definition or Deſcription, what I mean by a local Viſitor of a College; who may be ſaid to be a Perſon diſtinct from the Body of the College it ſelf, but veſted with a Power and Authority of Viſiting the ſame under ſome Reſtrictions of Law, for the Good and general Behoof thereof: He is called Viſitor *à viſitando*, and Patron *à Patrocinando*; for he is the Protector of all its Rights, Privileges and Immunities; and is in the very Place or ſtead of its Founder, to ſuperviſe and take Care, that all the Statutes and lawful Ordinances made by the Founder or other legal Authority, reſpecting the State and Condition of the College over which he preſides as Viſitor, be duly kept and obſerv'd by the Head and all the Members thereof; for he is Viſitor *tam in Capite quàm in Membris*.

He is called *Local* Viſitor, for that his Power as Viſitor is circumſcribed and limited to ſuch Acts only as concern the Welfare and Honour of ſuch his College: And alſo for that his Viſitation ought to be held and celebrated *in loco Collegii*, within the Scite and Precincts of the College, and not elſewhere: His Juriſdiction is Local, and does in no wiſe follow his Perſon; unleſs in Caſes of Appeal and private Complaint, where the Parties are conſenting thereunto; and if he ſhould attempt to cite any Perſon

Tract. Tract. Tom. 14. *p.* 183. *Fed. Conſ. N.* 79.

ſon to any other Place than the College, whereof he is a Member, for his Appearance before him as Viſitor, a Prohibition or ſome other Remedial Writ (I preſume) would be granted; for that a Viſitor in ſo doing exceeds the Limits and Bounds of his Authority, and by a Parity of Reaſon the Argument holds good as well here as in the Stat. of the 23d of *Hen.* 8. Chap. 9. againſt citing out of the Dioceſe. I do not mention this becauſe I would have all Perſons refuſe Obedience to ſuch a Summons; for it may be more adviſeable to appear in ſome certain Caſes than ſtrictly to inſiſt on the Viſitor's coming to the Place of the College.

Now this Appointment of Power he either receives from the Founder himſelf, through the Means of his Statutes relating to ſuch College in very expreſs Terms; which Statutes, in regard of the Founder's Charity, are by our Lawyers ſometimes ſtiled the Founder's Will: Or in Caſe of any particular Defect in ſuch Statutes to maintain and ſupport this Viſitatorial Power and Authority; he receives it from, and has it convey'd to Him by the Common and Municipal Laws of the Realm; for a College cannot be without a Viſitor; and it is ſufficient if a Viſitor be conſtituted and named after this or the like Manner, *viz. And we appoint and ordain the Right Reverend Father in God the Biſhop of* Lincoln *for the Time being to be the Viſitor of* Lincoln *College.* Theſe or the like Words are ſufficient (I ſay) to give a compleat Viſitatorial Power. Again,

As a Viſitor of a College derives his Power and Juriſdiction either expreſly from the Founder himſelf, or in Defect of ſuch expreſs Grant of Power, by a neceſſary Supply of Law; ſo is the proper Perſon of ſuch Viſitor namely conſti-

tuted

tuted either by the particular Deſignation and Appointment of the Founder himſelf; or elſe in Defect thereof by a like Supply of Law. And as the Power of a ſpecial Viſitor of a College expreſly named by the Founder, is well eſtabliſhed without any particular Deſcription thereof, *i. e.* of the Specialties or Incidents thereunto annex'd; ſo by the Deſcription of ſuch a Power given to any Perſon or Perſons, ſuch Perſon or Perſons are thereby created Viſitor or Viſitors, whether expreſly ſtiled ſo or not in the Founder's Statutes; for by directing and giving ſuch Power, they do as well by the Founder's Will as in Law thereby become Viſitors, otherwiſe the giving of this Power would be vain, and the Clauſe uſeleſs; as in the Caſe of *Wincheſter*-College, where the Founder has not ſo fully in Terms conſtituted a Viſitor; but has left his Intention to a neceſſary Implication of Law, which ſee in the third Rubrick of the Statutes of that Society. This partial Appointment of a Viſitor (as pretended) is the Occaſion of the preſent Controverſy between the Biſhop of *Winton*, the undoubted Viſitor of that College by Denunciation, and the Reverend Mr. *Brideoak* lately deprived of a Fellowſhip thereof for Contumacy to his Lordſhip's Juriſdiction.

Where the King founds a College, be it Lay or Spiritual, he is Viſitor of *Common Right*; and it is the ſame with a common Perſon, where ſuch College is meerly a Lay Corporation, as I will give a future Remembrance of: For Colleges are only private and particular Corporations, founded and endowed by private Perſons upon the Score of Charity; and not for the ſake of publick Government, as Cities, Towns, *&c.* and are therefore only ſubject to the particular Government of thoſe who erect them; therefore

fore if there be no particular Viſitor appointed by the Statutes of ſuch College, in all ſuch Caſes of Eleemoſynary Corporation, the Law appoints the Founder and his Heirs to be Viſitors: For it is not at the Pleaſure of the Founder whether there ſhall be a Viſitor or not; if he is ſilent during his Life-time, the Right of Viſitation will deſcend to his Heirs; and ſo is *Yelverton*, and the ſecond of *Crook*, where it is admitted on all hands, that the Founder is Patron, and as Patron is Viſitor, if no particular Viſitor be aſſign'd, 8 *Edw.* 4. 8. 8 *Aſſize* 29. 9 *Hen.* 6. 33. 1 *Inſt.* 96. So that Patronage and Viſitation are neceſſary Conſequents one upon another: And thus is a *Local* Viſitor of a College either created by the Founder himſelf, or in Defect of ſuch Creation by Appointment of Law.

Indeed it has been aſſerted by ſome Perſons, that the Common Law aſſigns no Viſitor at all in caſe of ſuch Defect; but this Aſſertion is ſo contrary to Truth in the moſt evident Degree, that it hardly deſerves any Refutation. Thus when no Viſitor is appointed in a Spiritual Corporation, the Biſhop is ſaid to become Viſitor thereof of *Common Right*, i. e. in Right of his Epiſcopal Office, or as Biſhop of the Dioceſs, where ſuch Corporation lies, who ought then to viſit according to the Eccleſiaſtical Law; for 'tis a Maxim in the Common Law, that where the Right is Spiritual, the Remedy ought to be ſo too; and therefore only by Eccleſiaſtical Law, the Cognizance whereof belongs to the Eccleſiaſtical Court. But 'tis otherwiſe in a Lay-Corporation, and ſuch are all Colleges eſteemed to be with which I have to do: For as it has been already ſaid in Defect of a ſpecial Appointment of a Viſitor by the Founder, the Law appoints the Founder and his Heirs; who

who are not to be guided by the Methods of the Common Law of *England*, in the Government and Viſitation of theſe Colleges; but according to the Rules and Statutes aſſign'd them by their reſpective Founders; and in Defect of ſuch Rules and Statutes, according to the Uſages and Cuſtoms of the Society, or College to be viſited.

For this Viſitatorial Power was not introduced by any Canons or Conſtitutions Eccleſiaſtical; but it is an Appointment of the Law; it ariſes from the Property which the Founder had in the Lands aſſign'd and given to ſupport the Charity; and as he is Author of the Charity, the Law gives him and his Heirs a Viſitatorial Power, that is to ſay, an Authority to inſpect their Actions, and regulate their Behaviour. For it is not fit, that Members endowed, and who have a Charity beſtow'd upon them, ſhould be left to themſelves; but they ought to purſue the Intent and Deſign of him who conferr'd it on them.

When thoſe who are to receive the Charity and Benevolence of the Founder, are not incorporated; but Truſtees are appointed, there is then no Viſitatorial Power; becauſe the Intereſt of the Revenue is not veſted in them: But when thoſe who are to enjoy the Benefit are incorporated, then to prevent all perverting of the Gift or Charity, the Law eſtabliſhes a Viſitatorial Power; and this Viſitatorial Power is in ſome Meaſure a Creature of the Founders; and 'tis reaſonable that he and his Heirs ſhould have this Power, unleſs he has devolv'd it elſewhere.

Viſitors are ſtiled Patrons and Protectors of the College which they viſit; and ought in fact ſo to approve themſelves, ſince the Founder has placed

placed a Truſt in them which is now become irrevocable, and therefore ought not to be the Foundation of Hatred and Partiality; nor the Methods whereby their Families may inrich themſelves. In ſhort, if they abuſe this ſacred *Depoſitum*, this great and honourable Truſt repoſed in them, by perverting the ſame to ſerve evil Purpoſes, and ſiniſter Deſigns, or do become ſo careleſs and negligent thereof, as tacitly to give up and ſurrender the ſame; or laſtly, grow ſo falſe and impiouſly perfidious, as hereby to ruin one College in order to extol and magnify another, and then to ſmile and rejoice in their Wickedneſs; (as was the Baſeneſs of a late Viſitor, whoſe Aſhes lying at Quiet, I will not rake into) Let them know, they muſt one Day or other be accountable for their Maleſeazances, and other Breaches of Truſt, before a Tribunal which will not be eluded by all the Wiles of Human Art; altho' they be not obliged to the Obſervation of this Truſt by the Religion of an Oath. In our ancient Law-Books, depriv'd by Patron and depriv'd by Viſitor, are one and the ſame thing.

A Viſitor of a College then is by the Founder made *Fidei Commiſſarius*; that is, the Founder has by Way of Truſt committed to him all that Power and Authority which was veſted in himſelf, unleſs it be in Caſes reſerved; wherein he has ſpecially reſtrain'd him; as that he cannot alter or diſpence with any of the *Local* Statutes, neither can he abrogate the ſame, or make new Ordinances, or any Declarations, Expoſitions or Injunctions, repugnant or derogatory thereunto: But in all Matters concerning the Government, Diſcipline, and Welfare of the College, he may ſupply the Defect and Want of the Founder; and purſuing his Intentions in all things, he may act and do in as large and ample a Manner

ner as the Founder himſelf, were he then living.

When a Local Viſitor of a College is appointed by the Founder, he is to have the continual Inſpection thereof; and this is a Right granted to him without any Implication; he hath *propriam & non alienam Juriſdictionem*; for notwithſtanding he is made Viſitor by the Appointment of another, yet he hath an immediate Ordinary Authority in his own Right, *quatenus* Viſitor, veſted in him by Law; which is the ſame as was originally in the Founder himſelf, unleſs in Caſes reſerved, as already noted: And if any other Perſon ſhould endeavour to viſit the College, or to ouſt him of his Juriſdiction, he might have a Prohibition to ſtay the Proceedings of ſuch Incompetency. *Tract. Tract. p. 187. b. Tom. 14.*

A Viſitor *quatenus* ſuch, has always ſufficient Power and Authority to deprive or ſuſpend for Contumacy or any Crime of a heinous Nature committed againſt the Laws of God; and the Statutes of the College; or to inflict any other Puniſhment arbitrarily according to the Nature and Quality of the Offence committed, if there be no Form of Puniſhment expreſly preſcribed and limited by the Statutes of the College: And this Power and Authority is of *Common Right* inſeparably incident to his Viſitatorial Office, and he needs not the Concurrence of any other Perſon to execute it. *Eund. Tom. p. 180. b. Cap. Rom. de Lit. pend.*

And further, this Power and Authority is derived from and out of that Fullneſs of Power which the Founder had in himſelf, and if ſuch Viſitor does not proceed contrary to the Laws of the Realm, and Statutes of ſuch College, he proceedsby a regular Authority, according to this Plenitude of Power. For the Power of a Viſitor is not like any Juriſdiction of the Courts at

at Law, nor is it to be guided and examined by their Rules, tho' always ſubject to the Laws of the Realm in proviſional Caſes. And a Viſitor, although he be named and appointed by the Founder, yet is veſted with his Power by the Common Law; and the Law has given all Juriſdiction and Authority to him, which is requiſite and neceſſary to his Office of Viſitor.

Contumacy to the legal and ſtatutable Power of a Viſitor is as great a Crime as can be expreſs'd or imagin'd, although it be not mentioned in the Statutes themſelves; for by allowing ſuch a Behaviour in a College, no Will of the Founder could be fullfilled, no Viſitation could ever be had, and the Statutes of the College would hereby be repealed and made void at once; for Contumacy would hinder and impeach the Obſervance of them. But ſuch Contumacy can only happen when the Viſitor acts by a legal and ſtatutable Power and Authority, and that Authority is well executed in a regular Manner, and upon a juſt Cauſe and Grounds.

If the Inferior or Ordinary Viſitor exceeds the Limits of his Juriſdiction or Power, the Party aggrieved hereby may undoubtedly have his Recourſe to the Crown for Remedy by way of Appeal; and my Lord Chief Juſtice *Hales* ſays by Prohibition too; and the Ordinary Viſitor ſhall hereby be reſtrain'd, and ſtand corrected in the undue Exercise of his Office. But ſince the Founder has made him a Judge, and committed all Matters in the College to his Diſcretion; it is not to be ſuſpected or preſumed in Law, that he will do otherwiſe than Right and Juſtice, and therefore if any ſuch Complaint of Grievance or Injuſtice be made, it ought to be well warranted and proved.

Andr. de Mendo de jure Acad. lib. 1. *n.* 242.

After

After the Viſitor has receiv'd an Appeal (which in Duty and good Conſcience he is bound to do, provided it be not frivolous) he ought of Common Right to grant an Inhibition to ſtay all further Proceedings againſt the Party Appellant, and to reſtore him to his former State and Condition in the College, until ſuch Time as the Cauſe of the Appeal it ſelf ſhall be heard and fully determined: And moreover ſuch Viſitor ought to make an Order, requiring the Head and ſuch Fellows of the College as are concern'd in the Appeal, (called the Parties Appellate) to appear before him, and give an Account of their Proceedings; which Proceedings regularly ought to be diſpatch'd in the Preſence of a Notary Publick, or other credible Witneſſes (at leaſt) atteſting the ſame: For otherwiſe how will they tranſmit their Proceedings to the Viſitor, with any Evidence or Teſtimony of the Truth and Legality thereof?

That the Sentence of a Local Viſitor is not examinable in any other Court of Law, may be enforced and proved from the Nature of Eleemoſynary Corporations, (and ſuch are all Colleges of which I am now ſpeaking) and alſo from many Authorities in Law, wherein the conſtant Courſe has been to deny a *Mandamus*, when prayed to reſtore any Perſon expell'd or depriv'd, to his Place or Fellowſhip in ſuch Corporation; and there is no Precedent or Law-Caſe in the old Books, of any Reſtitution obtain'd in any ſuch Caſe. A *Mandamus* was denied by the Court in the Caſe of *Parkinſon*, Fellow of *Lincoln* College in *Oxon.* For the Viſitor is the proper Judge, and when a Man takes a Fellowſhip, he ſubmits himſelf to the Rules of the College, and to the private Laws of the Founder. It was alſo denied by my Lord Chief Juſtice *Hale* in *Mod. Rep. pt.* 3. *p.* 265.

Doctor *Roberts*'s Caſe, who prayed a *Mandamus* to be reſtor'd to a Fellowſhip in *Jeſus* College in *Oxon.* upon Affidavit made, that he had applied himſelf to the Viſitor, and that he would not meddle therein; *Keeling* indeed was of Opinion, and did conceive, that a *Mandamus* ought to be granted, this having been ruled to be an Eſtate of Freehold, and that ſuch have a Voice in the Choice of a Knight of the Shire: But *Windham* oppos'd the *Mandamus*, becauſe an Appeal to the Ordinary Viſitor is the proper Remedy, and he is of Right bound to act in it. *Twiſden* and *Moreton* were againſt the Granting of any *Mandamus*, and ſaid, that there was no Remedy but by an Aſſize, if he be ouſted; and an Action upon the Caſe, if he be not admitted. So was a *Mandamus* alſo denied in the Caſe of *Daniel Appleford*, a Fellow of *New*-College in *Oxon.* for the ſame Reaſon; but it was ſaid therein, that an Action on the Caſe would lie; ſee the *Modern Reports*, Part I. Page 82. with many other Caſes in our Law-Books of the like Nature. Dr. *Coveney*, Preſident of *Magd.* Coll. in *Oxon.* was deprived by the Biſhop of *Wincheſter*, as Local Viſitor of that College; he appealed to the Queen in Chancery; and it was reſolved, that an Appeal did not lie thither; for it was not within the Statute of *Hen.* VIII. touching Appeals to the King in Chancery, becauſe that Statute directs to whom Appeals ſhall be made in Cauſes only of Spiritual Juriſdiction; but a College is not a Spiritual Corporation, (as already noted) nor is the Act of Deprivation of Spiritual Cognizance. 'Tis true, the Book ſays, that becauſe there was no Appeal, *ex hoc ſequitur*, the Party may have an Aſſize, but that could never be the Opinion of my Lord *Dyer*; becauſe the Governor of a College has not an

Keeb. Rep. pt. 3. *p.* 102.

Eſtate

Estate to maintain an Assize, for he alone, without the whole Body aggregate, hath no sole Seizin or Right in any thing belonging to the Corporation, therefore that Sequel cannot be Law: But admitting it be the Opinion of *Dyer*, it stands singly by it self, without any Authority to support it; it is no Judgment in Law, and my Lord *Hale*, in *Appleford's* Case, affirm'd, that an Assize would not lye, and the Reason is plain, because a proper Court has an original Jurisdiction, no other Court shall examine their Judgment, after Sentence given.

Deprivation of a Head or Fellow of a College is not like unto the Disfranchisements of Members of publick Corporations, nor is the Sentence of a Visitor like unto the Decrees made by Commissioners of Sewers, of Bankrupt, *&c.* the Proceedings of which Persons are examinable *in Banco Regis*; and the Reason is, because these Persons are not trusted with a Power of Judicature; for what they do is extra-judicial: But in the Case of a Visitor, he has the sole and absolute Power and Right, under the Crown, of determining and judging in the Actions of those who subsist on the Founder's Charity; he is made a Judge by the Common Law; and tho' it should be said, that the King cannot commission any one to exercise such a Power Despotick, yet the Common Law gives that Authority, wherein the Consent of all Persons is involved.

It was affirmed in the Case of *Phillips* against *Bury*, That if a Founder appoints a Visitor, and prescribes to his Authority certain Rules and Limitations, as to Time, Person and Place; and if that Power thus circumscribed be not exactly pursued in his Proceedings, and in all its Circumstances, it is not only an Error, but all is

coram non Judice: For it was then ſaid, that the Viſitor has no Authority, but what is given him by the Founder, and his Power being reſtrain'd, if he exceeds the Limits thereof, he then acts without Authority. In anſwer whereunto, I ſay, 'tis allow'd, that a Viſitor, in all his Proceedings muſt be ſubject to the particular Rules and Orders of the Founder, by which his Juriſdiction is in ſome Meaſure eſtabliſh'd; and if it appears, that he has acted contrary to thoſe Rules, his Decree or Sentence may be declared null and void by the Supreme Viſitor, the Queen in Council; who is to reſtrain his illegal and exorbitant Power, and to correct his Proceedings. But a Viſitor may, notwithſtanding, in his Proceedings, uſe a Power and Authority which is not expreſly ſet forth and mention'd in the Rules and Orders of the Society, whereby he viſits: For there are many Things neceſſarily imply'd, and inſeparably incident to the very Power and Office of a Viſitor, which need not be expreſs'd; as the Power of Suſpenſion and Deprivation for Contumacy and other reaſonable Cauſes, *&c.* for that his Viſitatorial Power cannot be ſupported without the Power of ſuch and the like Cenſures, and Penal Sanctions.

Although a Viſitor may be reſtrain'd, by the particular Laws and Statutes of the Founder, as to viſit *ex officio* but once in two, three, four or five Years; yet he has always a conſtant and ſtanding Authority given to him by the Laws of the Land, to hear and determine all particular Differences whatſoever, that may ariſe in the College, whereof he is Viſitor, during the intermediate Time of his general Viſitation; from whoſe Sentence, there lies no Appeal to any Court of Law, but only to the Queen in Council,

Council, as aforeſaid. Dioceſan Biſhops can Viſit but once in three Years, yet their Courts are always open, to hear and determine Quarrels and Offences, and all particular Complaints. And the like it is with Viſitors, whoſe General Authority is reſtrain'd in Point of Time; and it would be a vain and abſurd Thing to ſuppoſe, that the Intention of the Founder, or his Laws, was, that ſuch Diſorders and Cauſes of Complaint ſhould not be examin'd and redreſs'd, in the intermediate Time of a General Viſitation, *&c.*

I have before imperfectly remembred, that no Appeal lies to any of the Courts in *Weſtminſter*-Hall, from the Sentence of a Local Viſitor, provided he keeps himſelf within the Bounds of his own Juriſdiction, and meddles only with Matters ſubject to his Cognizance; for that an Act done, or Sentence pronounc'd by him, ſhall be preſumed to be done and pronounced by the Founder himſelf; which cannot be argued unjuſt; for that he ſupplies the Place of the Founder, and as Viſitor is proper Judge. It ought not to be thought unjuſt, (ſays the late Biſhop of *Worceſter*, giving his Opinion in the Houſe of Lords, in *Exeter*-College Caſe) that the Viſitors Sentence is irreverſible by any Court of Law, or that his Power is abſolute and concluſive, being without any further Appeal; by means at Law. Indeed (ſays he) this ſeems to be ſetting up an Arbitrary Power among us, which is againſt Law: But that Learned Prelate goes on, and rightly diſtinguiſhes between an Arbitrary Power againſt Law, and a Concluſive Power by Law. 2 *Vol. Eccl. Caſes, p.* 412.

When, I ſay, that the Law has given ſuch a Power to Viſitors, as to determine Matters without the Liberty of an Appeal, I would be

always understood to mean only in Relation to the Courts at Law, as aforesaid: For there can be no Question made touching the Power of the Crown in receiving Appeals from these inferior Judges or Visitors; this is a Right and Prerogative inherent in it, of which it cannot divest it self but by Act of Parliament. In the Year 1379. the Archbishop of *York*, as Visitor of *Queen*'s College in *Oxford*, deprived the Provost and three of the Fellows of that College; whereupon the King, as Supreme Visitor, sent a Commission to examine and enquire into the Reason of this Deprivation; and upon hearing of the Matter, the Provost stood deprived, and a new one was confirm'd; this happen'd on a Quarrel about the Provostship.

That such a Power in Visitors is not against Law, appears by that excellent Statute of the 43d of *Eliz.* Chap. 4. *Concerning Commissioners for Charitable Uses*, where Visitors have such a Power given them, that they are not liable to be called to an Account by any Commission, Court of Law, or Chancery; so that our Law thinks fit, upon some Occasions, especially as to Eleemosynary Foundations, to lodge such a Power in some Persons, and this surely cannot be called an illegal Power.

It was urged in the Case of *Exeter* College above-cited, That the Visitor's was no other than the Founder's Power, or the Power which the Founder expresly gave him; for he acts as Founder, and by his Right; but no Founder can establish such Arbitrary Power; and therefore it is illegal. To all which it was answered, That if the Visitor had no other Power but the Founder's, such an arbitrary Method of Proceeding could not be settled, *viz.* That the Visitor's Judgment should not be called in Question by

the Courts of Law; for the Founder himſelf was a private Subject, and as ſuch, cannot, by any inherent Power in himſelf, debar any Perſon the Right of Appealing, in caſe of an Injury done to him in a Society ſettled by Law. Now if a private Founder cannot incorporate ſuch a Society by his own Power, then he cannot give a Power to the Viſitor of Removing any one out of it, ſo as not to be accountable to any other Court: This was an Argument at Bar. To clear up this Point (ſays the Biſhop) we muſt go further than the meer Power of the Founder in this Matter. *Page* 115. It muſt be taken for granted, that every ſuch Corporation muſt have a Legal Authority, beſides the Founder's Will, (as I have elſewhere ſhewed) and that muſt be either by Common-Law, Preſcription, or Act of Parliament, as Hoſpitals are by the 43*d* of *Eliz.* Chap. 5. or by Royal Charter; for the King by his Authority can make a Society to be incorporated; and the Corporations of all Colleges in *Oxford* have been made by the King's Charters. So were the making of Statutes for theſe Colleges left to the particular Founders (and not only the Statutes, but alſo the Appointment of particular Viſitors has been left to them, with the Manner of Government, *&c.*) where the Perſons, to whom the Charity is given, are not incorporated, there is no ſuch Viſitatorial Power; becauſe the Intereſt of the Revenue is not veſted in them: But where it is ſo, the Right of Viſitation ariſes from the Foundation; and the Founder may convey it to whom, and in what manner he pleaſes; and the Viſitor acts by the Founder's Authority, and conſequently is no more accountable than the Founder would be.

But that which is particularly obſerved by his Lordſhip, is, that theſe Founders of Colle-

ges did take ſpecial Care to prevent, as much as poſſible, all Law-Suits among the Members of their Societies, as moſt deſtructive to the Peace and Unity of their Body, and the Tranquillity neceſſary to their Studies: for they knew very well, that if any Encouragement was given to Law-Suits, thoſe Places would in Time become Nurſeries for Atturneys and Sollicitors, which were to pervert the main Deſign of their Foundation.

Walter de Merton, the firſt Founder of a College in *Oxford* with Revenues to ſupport it, took ſuch Care about this Matter, that he puts the Caſe in his Statutes, of a Warden being deprived; and knowing that Men are apt to complain when they ſuffer: and to endeavour one Way or other to be reſtored, (which cauſes great Heats and Animoſities among the contending Parties) therefore, to prevent theſe
Chap. 14. miſchievous Conſequences, he inſerts a Chapter on Purpoſe in his Statutes, that if ſuch a Caſe happen'd, *Nulla actio, nullum juris Remedium Canonici vel Civilis habeat, &c.* This may be ſaid to be a hard Caſe; for may not a Man ſee himſelf righted by proper Remedies at Law? But the Wiſe Founder looked on the Conſequence as to the Society more than the Perſonal Injury of him who ſuffer'd: and preferr'd the Peace of his College before the Reſtoring a Man to his Place.

In the Statutes of *Exeter*-College, it is expreſly mention'd, that if the Rector be depriv'd by the Commiſſary, he may appeal to the Biſhop as Viſitor; but if he be deprived by the Viſitor himſelf, then no farther Appeal is allow'd, nor any Remedy *Juris aut Facti*. By the Statutes of *New*-College, the Warden is to be removed by the major Part of the Fellows; and he

he ſwears not to appeal, much leſs has he the Liberty of Appealing, if deprived by the Viſitor. In the Year 1562. the Arch-Biſhop of *Canterbury*, as Viſitor, proceeded againſt *Hawles*, and other Fellows of *Merton College*, for oppoſing the Admiſſion of a Warden, nominated by the Arch-Biſhop, as Viſitor, upon a Devolution; and as Viſitor he proceeded to their Deprivation; yet no Appeal to the Courts of Law was then allow'd of. And in the Year 1568. the Biſhop of *Wincheſter*, being Viſitor of *Corpus-Chriſti* College, deprived thoſe Fellows, who oppos'd the Admiſſion of *Cole*, nominated by the Queen, after the Election of *Harriſon*, which was ſaid not to be Statutable. Now both theſe Caſes had Difficulties, and were Temporal Things, as well as Dr. *Coveney*'s Caſe above-mentioned, and yet there was no *Aſſize* brought in either Caſe.

How Appeals of this Nature came to be brought into *Weſtminſter-Hall*, take the following Account, *viz.* Soon after the Reſtoration of King *Charles* the 2*d*, of Bleſſed Memory, one Dr. *Withrington*, Fellow of *Chriſt's College* in *Cambridge*, was deprived of his Fellowſhip, by the Maſter and Fellows: Whereupon he appealed to the *King's Bench* to be reſtored. In the Arguments in that Caſe, one of the Learned Judges of that Court affirmed, That the firſt Precedent of this Kind was not above Ten Years ſtanding; which was in the Caſe of *Hern*, who obtained a *Mandamus* to be reſtored to a Place, whereof he was deprived in the Univerſity, when *Glyn* was Chief Juſtice: and the Reaſon given was, becauſe there was then no ſpecial Viſitor; for the Arch-Biſhop of *Canterbury* was Local Viſitor; and there was no Arch-Biſhop. Can this Precedent then hold good, when there

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is a Local Viſitor, to whom it belongs to give Judgment in ſuch Caſes? After this one *Crawford* made Application to the *Superior Bench* (as then ſtiled) to be reſtored to the Place of a School-maſter in *Cambridge*, of which he was depriv'd by the proper Viſitors, the Maſter and Fellows of *Gonville* and *Caius* College. Upon ſeveral Arguments it was deny'd, and reſolved, that no Writ of Reſtitution ſhould be granted, but the Matter was referred to the Chancellor, *&c.* In the 14*th* of *Charles* the 2*d*, Dr. *Patrick* was choſen Head of *Queens College* in *Cambridge* by a Majority of Voices, but another was admitted; upon which he appealed to the *King's Bench*; but ſome of the Judges ſaid poſitively, that no Writ ought ever to have been granted upon Differences in Colleges, for that Appeals lay to the Local Viſitor, and not to the *King's Bench*: It was then urged, that this was a Matter of Freehold, and that was no ſpiritual Corporation, but the declaring of a Maſter was a Temporal Act; but the Chief Juſtice ſaid, That to give a Remedy in this Court, wou'd ſhake the whole Government of Colleges. In the 22*d* of King *Charles* the 2*d*, *Daniel Appleford* was deprived of his Fellowſhip by the Local Viſitor of *New College*; he brought the Matter to the *King's Bench*, where my Lord Chief Juſtice *Hale* ſaid, if there be a Juriſdiction in the Viſitor, and he hath determin'd the Matter, how will ye get over that Sentence? In the Caſe of Dr. *Lewis* it was reſolved for the Local Viſitor of *Oriel College*, againſt the Arch-Biſhop of *Canterbury*, who aſſerted the Exerciſe of his Metropolitical Authority, and as Metropolitan wou'd receive an Appeal.

Styles Rep. 457.

I will next conſider, upon what Grounds thoſe went, who would have ſuch Cauſes brought to the

the Cognizance of the *King's Bench*; and the Weakneſs of them will ſhew what little Reaſon they had for this new Practice. Some wou'd go ſo far back, as to found it upon *Magna Charta*, Chap. 29. That no Man ſhall be diſſeized of his Freehold, but by his Peers; but they forget, that it is added, *vel per legem terræ*; which Words eſtabliſh other Proceedings, that have been received here as Part of the Law of the Land. For elſe not only all the Proceedings in Eccleſiaſtical Courts are illegal, but alſo even thoſe in the Courts of *Admiralty* and *Chancery*, which was not intended by that Chapter. Others ſaid, that if Colleges were *Eccleſiaſtical* Corporations, an Appeal would lie to the *Chancery*, as from other *Eccleſiaſtical* Courts; but being *Lay* Corporations, they were under the Cognizance of the *Upper Bench*, which, according to *Bagg's* Caſe, is to judge of all Oppreſſions and Injuries in Corporations. But the Reſolution of this Matter does not depend on the Nature of the Corporation, whether *Lay*, *Eccleſiaſtical*, or *Mixt*, but on the antient Right of Juriſdiction over it. Indeed Popes have ſometimes claimed and pretended to have Juriſdiction over Colleges, by reaſon that many of them in theſe Weſtern Parts of the World have been founded by Biſhops in their ſeveral Churches and Dioceſes (as elſewhere noted) and on this account they have aſſumed to themſelves a Power at ſeveral Times here in *England*, when the Royal Power was weaken'd either by foreign Wars or Broils at home, thro' the means of a ſeditious Clergy, of granting Bulls of Exemption from the ordinary Juriſdiction, with a Deſign of bringing all Colleges in our Univerſities under the Power of the *Roman* Biſhop: But our ſeveral Kings diſallowing theſe Grants,

and

and having given the Founders of Colleges a Power of making Statutes for their own Societies, and of appointing Viſitors with ſuch Powers as they thought fit; theſe Colleges do now enjoy their Privileges under the ſame Grants and Authorities with the Univerſity it ſelf.

Some have been of Opinion, That an Appeal in the Caſe of Colleges will lie to the Houſe of Lords, as the Supream Court of all Appeals, and we have a Precedent hereof; but whether a warrantable one, muſt be ſubmitted to the Determination of that Honourable Houſe, which for many Years paſt hath confined the Juriſdiction within the true Limits of our Laws and Conſtitutions. In the Caſe of one *Anthony D'Anvers*, reported to the Houſe of Lords, *January* the 21*ſt*, *Anno Domini* 1640. the Matter was this, *viz.* That this *D'Anvers* being related to the Lord Viſcount *Say* and *Seal*, and conſequently to *William* of *Wickham*, ſometime Founder of the College near *Wincheſter*, and of *New College* in *Oxford*, had offer'd his Son to be received into the former, according to the Privilege of the Founder's Kinſmen, who ought to be elected and admitted thereinto *principaliter & ante omnes alios per viam ſpecialis Prærogativæ* (as expreſly commanded in the Statutes) in virtue of the Elector's Oath: But his Son having been denied four yearly Elections, he was at laſt entirely rejected. Upon a Complaint of this Grievance to the Houſe of Lords, the two *Wardens* and *School-maſter* of *Wincheſter College*, being conſtant and ſtanding Electors into the ſame, were order'd unanimouſly to be ſent for; and on their Submiſſion and the Conſent of all Parties, the Lord Biſhop of *Wincheſter* engag'd, that full Satisfaction ſhould be made and given by the ſaid *Wardens* and *School-maſter* to Mr.

D'An-

D'Anvers, for the Damage he had received herein, and that his Son ſhould be admitted the next Election, and have ſome convenient Maintenance in the mean time from the College: And a Memorial of this Caſe was order'd to be recorded in the Lords Journal-Book, to prevent the like Wrongs for the Time to come. I have already obſerved, that a Viſitor is ſaid to make a general and formal Viſitation, when he comes to viſit the whole College, and to make a general Enquiry touching the due Obſervation of all the Statutes of ſuch Society, as he may do once in two Years at *New College*, once in five Years at *Exeter* College, and ſo at other Colleges according to the Direction of their Statutes; and if he comes oftner *ex Officio*, without being called in by the College, his Viſitation is null and void, and according to ſome he may be reſiſted, and according to others, reſtrained by a Prohibition. But theſe Words *de Biennio in Biennium*, and *de Quinquennio in Quinquennium*, are not to be underſtood reſtrictive of the Power given him, but as directive to him; for *eo nomine* that he is Viſitor, he has a Power to come to hear Appeals and redreſs Grievances on particular Complaints made to him, which cannot be reſtrained but by Negative Words: And the ſame may be now ſaid of his *Commiſſary*, who muſt be guided and governed by the Extent and Form of his Commiſſion, and cannot exceed the Limits thereof by any Power of his forming.

The Oath *ex Officio* being taken away by a Statute of the Realm, no Viſitor can or ought to make any Enquiry thereon touching Matters criminal, in order to compel any Perſon to accuſe himſelf thereof, whereby ſuch Perſon may be affected by way of Puniſhment; for if he ſhou'd

ſhou'd be ſo raſh, as to proceed to Puniſhment, on the Refuſal of a Perſon to accuſe himſelf, on Interrogatories thus adminiſtred; not only a Prohibition will lie againſt ſuch irregular Proceedings, but if ſuch Viſitor does not abſolve him from the Puniſhment inflicted on him, on a Requeſt made and a Prohibition ſerved, an Attachment may be brought againſt him; and he likewiſe hereby ſubjects himſelf to the Penalty of the Act, for the Law of the Realm, which reſtrains his Authority: Yet notwithſtanding this, every Viſitor has of *Common Right* the Power of Adminiſtring an Oath, and Requiring the Parties to anſwer upon Oath in all Statutable Matters, which are not of a Criminal Nature, tho' they ſhould reſpect himſelf; as touching Matrimony, a temporal Eſtate, an Eccleſiaſtical Benefice or Dignity exceeding ſuch a Value, *&c.* And the Reaſon of this Diſtinction is, becauſe the latter are Things *Honeſt* and *Lawful*; and conſequently in no wiſe penal, and liable to the Scandal and Infamy of Expulſion. Yet to live under ſuch a State of Diſobedience to the Founder's Statutes, is ſome Taint to a good Man's Reputation; becauſe by his ſilent and private Dealing in theſe Matters, and his not receding from the College on ſuch reaſonable Grounds, and the Founder's Monition commanding him ſo to do, he grows guilty of a Contempt and Violation of that Statute, whereunto no Penalty is annexed; and therefore, in the Judgment of certain Wiſe and Learned Men, he is thought to incur the Guilt, tho' not the Puniſhment of Perjury. But I will not here brand this Diſobedience with ſo hard and foul a Cenſure, *Quia viri boni graveſque aliter ſenſerunt.*

Where

Where a Founder names a Viſitor, and prohibits Appeals from him; yet this does not reſtrain the Liberty of Appeals made from him. *Magdalene College* in *Oxford* is founded *abſque ullo Appellationis Remedio*; and yet it was reſolved between Dr. *Pierce* and Dr. *Yarbury*, that ſuch Clauſe does not reſtrain an Appeal from the Viſitor. See the Clauſe of *omni Appellatione remotâ*. *Coke Inſtit. Part 4th, page* 340. *Raym. Rep. p.* 105.

A Viſitor, in all his Enquiries and Determinations, made either by way of general Viſitation, or on a particular Complaint, ought to proceed *ſummariè, ſimpliciter, & de plano, ſine ſtrepitu & figurâ judicii, i. e.* according to the *meer Law* and *Right of Nations*, wherein Matters of neceſſary Subſtance, and not of poſitive Form, are obſerved; as that there ought to be ſome Matter or Accuſation deduced in Writing, and given to the Party accuſed, or againſt whom the Complaint is lodged, and a convenient Time aſſigned him to give an Anſwer thereunto, a Day for the hearing of Evidence, on the Denial of any Fact alledged in the ſaid Accuſation or Complaint, and ſo of other Matters, unto which we have a *Common* and *Natural* Right, not to be loſt or deſtroyed by any Local or more general Ordinance and Statute whatſoever: As for inſtance, an abſent Perſon has a *natural* Right to be cited for his Appearance, before he can be proceeded againſt; and if any Viſitor ſhou'd be ſo unadviſed, as to proceed contrary hereunto, there wou'd be juſt Grounds for an Appeal in Law; and ſuch an Appeal ought to be received, notwithſtanding the Prohibition of any Statute: For all Laws prohibiting Appeals are odious, and ought to be reſtrained, foraſmuch as they are made againſt the Rules of *Common* Right, which regularly *Marant. Prax. de Appel. n.* 367.

per-

permit Appeals from every Act. Yet notwithſtanding this *Summary* Way of Proceeding, a Viſitor ought to have a particular Regard to the poſitive Form preſcribed and directed in the Founder's Statutes, as neceſſary Orders and Solemnities, not to be omitted or inverted on any account, in his Judicial or Extrajudicial Proceedings.

Nor is this *plain* and *ſummary* Method of Trial only conſiſtent with the Common Law, and the expreſs Proviſion of the Statutes of ſome particular Colleges; but it alſo well agrees with the principal Deſign and Intention of their reſpective Founders, who made them Viſitors; which was to exclude (if poſſible) all long and tedious Law-ſuits, which diſquiet the Thoughts, eat out the Time, exhauſt the Purſes of all who are concerned in them, and finally lay the Foundation of perpetual Feuds and Animoſities in Colleges. When a Viſitor comes to a College, to exerciſe his Juriſdiction as Viſitor thereof, Procurations, *i. e.* his neceſſary Expences, are to be allowed him, and he is to be maintain'd in Eating and Drinking at the Coſt of the College viſited: But he ought not to be grievous in his ſaid Procurations; to prevent which, Founders of Colleges have in their Statutes ſettled a determin'd Allowance upon all ſuch Occaſions, for the Generality of them: And thus much of *Local Viſitors* of Colleges, and of their Power, as warranted by Cuſtom, Law, and Common Right.

THE

THE Antient and Preſent State OF THE UNIVERSITY OF OXFORD.

PART III.

CHAP. I.

An Account of the Laws, Statutes, and Privileges of the Univerſity of Oxford, *and ſuch of the Laws and Statutes of the Realm, which do any wiſe concern the ſame.*

BEING now come to the Third and Laſt Part of this Undertaking, which exhibits an Account of the Laws, Statutes and Privileges of the Univerſity of *Oxford*; I ſhall firſt of all conſider this Univerſity as a Body Politick

or Corporate, having all the neceſſary Qualifications thereof, both from antient Royal Charters, and from Acts of Parliament.

Some Perſons have indeed endeavour'd to maintain the ſame to be rather an Eccleſiaſtical than a Lay Corporation, in reſpect of the many Privileges and Immunities now enjoyed by us, and of which only Eccleſiaſticks are capable: And to this End it may not be amiſs to take notice, what *Choppinus* (a Learned *French* Lawyer) writes concerning the Univerſity of *Paris*; of which, he ſays, there has been a Queſtion made in this reſpect; and that ſome were of an Opinion, That it being founded by *Charles* the *Great*, and now remaining under the Patronage of the Kings of *France*, and endowed with many Privileges by them, it ought to be reputed rather a *Lay* than an *Eccleſiaſtical* Corporation. Others likewiſe affirm, that it has alſo received many great Privileges and Immunities from the Biſhop of *Rome*; and *Panormitan* avers it to be an *Eccleſiaſtical* Corporation, becauſe the greater part of the Univerſity are *Divines*; and *Coſmo Guymerius* (another Learned Author) holds, that this Univerſity is a mixt Body; and, this Mixture conſider'd in regard of the greater Number of Clerks, it may rather be accounted an *Eccleſiaſtical* than a *Lay* Body; which Opinion is much confirmed, for that in the Council of *Conſtance*, the Deputies of the Univerſity of *Paris* had their Places aſſign'd them among others of the Clergy, and not among the Lay Deputies: And this was alſo the Condition of the Univerſity of *Oxford* in the ſame Council. But ſome ſay, that all Univerſities ought to follow the Condition of their Founders and Benefactors, and the Qualifications of the Perſons, of which they conſiſt; and therefore Univerſi-

See Part 1ſt, pag. 160.

ties are either *Lay* or *Spiritual* Corporations, according to these Foundations and Principles. For the true understanding whereof, I shall consider, who are deemed in Law to be Clergymen or Ecclesiastical Persons; and *Lyndwood* says, that an Ecclesiastical Person is not only one, who is ordained; but any one deputed or designed for the Service of the Church, not only *Secular*, but also *Regular* or *Religious* Persons; and some also who are of a *Lay* Condition, as heretofore the *Templars* and *Hospitallers*: And that under the Name of Clerks are comprehended all those, who are ordained to perform Divine Service and Offices of the Church, both of the greater and lesser Orders; even all those, who were wont to have the *prima Tonsura*: And accordingly Arch-Bishop *Stratford*, in a Provincial Constitution enjoining the Clergy to observe the *prima Tonsura* and the Clerical Habit, requires likewise the Students in the University, bearing themselves as Clerks, to observe the same, under the Pain of rendering themselves uncapable of Degrees in the University, until they conform themselves in these things: And upon this Foundation it is, that *Salycetus*, *Bellamera*, *Moneta*, and others quoted by *Escobar*, will have Universities to be *Ecclesiastical* Bodies, and consequently to enjoy *Ecclesiastical* Jurisdiction; and *Balboa* alledges many Authorities in Law for this Opinion, in his Arguments and Quotations for the University of *Salamanca*. As, first, that general Studies cannot or (at least) are not won't to be erected without the Pope's Authority, and his Confirmation of their Statutes and Privileges, in no wise necessary, if Universities were Secular Bodies. 2*dly*, Because that in Uniuersities, Clerks are always conversant; and altho' they should be of the lesser

Part, yet all the Students are indiſtinctly ſtiled *Clerks*; and therefore Scholars Delinquent do not enjoy the Immunity of the Church; which they would ſurely do, if they were ſubject to a Secular Juriſdiction; for the Immunity of the Church was inſtituted for Delinquent Seculars: and again, the Scholars Judge in all Univerſities might be a Secular Perſon, if they were Secular Corporations. 3*dly*, Becauſe of *Divinity* and the *Canon Law*, which are taught therein, and ordained for the ſake of Religion, it is to be ſuppoſed, that they would from hence be exempt from all Secular Power and Juriſdiction. 4*thly*, from a Parity of Reaſon, becauſe that all Colleges erected for the ſake of Learning, by the Intervention of the Eccleſiaſtical Power, are in the *Canon* Law adjudged to be *Eccleſiaſtical* Corporations; therefore for the ſame Reaſon, all Univerſities, erected for publick Study, and confirm'd by Papal Authority, are therein adjudged to be *Eccleſiaſtical* Bodies. 5*thly*, Becauſe the Rector or Chancellor thereof may pronounce Eccleſiaſtical Cenſures againſt the Students; nay, even againſt the *Non-Clerks*, in every Cauſe, whether *Civil* or *Spiritual*: And therefore the Rector or Chancellor thus uſing Eccleſiaſtical Juriſdiction, the Body muſt be Eccleſiaſtical alſo.

Gutier. l. 1. 99. cap. 36. Azevedo Leg. 10. a Num. 25. Garcias de Ben. p. 5. cap. a Num. 604.

In the Univerſity of *Oxford*, the Founders of Colleges have generally provided, not only that the Heads and Governors of their Houſes ſhould be Divines; but that the Fellows alſo ſhou'd in a competent Time enter into Holy Orders; and that the Scholars from their firſt Admiſſion ſhould be ſtiled Clerks. So *William* of *Wickham*, the Founder of *New College* in *Oxford* and the College near *Wincheſter*, in the Preface to his Statutes ſays, That he had founded one

one perpetual College of Scholars-Clerks in the Univerſity of *Oxford*; and alſo another College of Scholars-Clerks, near the City of *Wincheſter*, by Authority both *Royal* and *Apoſtolical*.

And thus *William* of *Wainfleet*, the Founder of *Magdalene College*, ſays the ſame concerning thoſe of his Foundation; and no doubt but that all Founders being Biſhops, who are the greater Part, have done the like.

In the Charters of Privileges granted to this Univerſity, the Scholars thereof are frequently called *Clerks*: So *Henry* the 3*d* ordains, that the Univerſity-Clerks ſhould have Letters Patents of Protection: and in the 49*th* Year of his Reign, he exempts Clerks, having ſomewhat of Lay-Fee, from ſerving upon Juries. King *Edward* the 3*d* grants, that in all Cauſes, where a Clerk is one Party, in Contracts and Treſpaſſes, the Chancellor of the Univerſity ſhou'd have Cognizance thereof: And King *Richard* the 2*d* alſo grants, that in all Cauſes concerning Clerks, the King's Prohibition ſhou'd not lie or iſſue forth. And ſometimes Clerks are expreſly diſtinguiſh'd from Laymen: So *Henry* the 3*d* ordains, that in regard Laymen are ill affected to Clerks, all Rates and Taxes ſhall be made by the Chancellor of the Univerſity: And King *Henry* the 8*th*, for the like Reaſon grants the ſame concerning Fifteenths, *&c.*

2 *H.* 3.

5 *Edw.* 3.

3 *Rich.* 2.

29 *H.* 3.

14 *H.* 8.

In reſpect of this Qualification, the Univerſity antiently had divers Impropriations and Eccleſiaſtical Benefices annex'd to and conferr'd on it, of which it had not been capable, if it were not an Eccleſiaſtical Corporation; and in this Reſpect, the Chancellor of this Univerſity has acquir'd and executed Eccleſiaſtical Juriſdiction, which otherwiſe he cou'd not have done;

done; and laſtly, in this reſpect, the ſaid Chancellor has had a Place in Provincial Synods among the Clergy, and the Univerſity has ſent its Deputies to General Councils, into which they have been admitted.

Arch-Biſhop *Parker*, in his Antiquities of the *Britiſh* Church, affirms, that Univerſities were repreſented by their Deputies in Provincial Synods or Councils; altho' ſince our Chancellors have been choſen from amongſt the Temporal Lords and Biſhops, who have Places in the Upper Houſe of Parliament, this Repreſentation has been diſcontinued.

Thus the Reader has the Opinions of ſeveral eminent Lawyers and Hiſtorians, in reſpect of Univerſities being *Lay* or *Eccleſiaſtical* Corporations in foreign Countries, where the Papal Authority domineers and lords it over the Regal Supremacy: But in *England*, eſpecially ſince the Reformation of Religion, our two Univerſities have been ever held to be *Lay* Corporations, of a mixt Juriſdiction, partly *Civil* and partly *Eccleſiaſtical*, deriving the ſame not altogether from Royal Grants, but from more antient Preſcription. Indeed Popes have frequently attempted to draw the ſame under their Juriſdiction, both by encouraging of Appeals to the Court of *Rome*, and by granting of Bulls of Exemption and other Privileges; nay, even by attempting the Confirmation of them and their Statutes: Yet our wiſe Kings, when they have been free from heavy Wars from abroad, and from the Regular Clergy, the Pope's Janizaries, at home, have ever aſſerted their ſole Right over theſe Univerſities, by reſcinding thoſe Papal Bulls, and other Pretences to Power, which had been by Uſurpation impoſed on them and their Subjects, as the Reader will find in the Firſt Part of this Work.

Sir

Sir *Edward Coke*, in his Comment upon *Littleton*, ſays, that a Corporation or Body Politick may commence and be eſtabliſhed three Ways, *viz.* by Preſcription, Letters Patents, and Act of Parliament; and *Lyndwood*, in his Gloſs on the Provincial Conſtitutions, writes, that Univerſities may be raiſed by Grant or Privilege, and alſo by Cuſtom, thro' Time immemorial. Mr. *John Stratford* having been ſent as a Syndick from the Univerſity of *Oxford* to the Court of *Rome*, in a Cauſe againſt the Preaching Fryars, did in his Supplication to the Pope then declare, That the Univerſity of Maſters and Scholars at *Oxford*, in the Dioceſs of *Lincoln*, was founded and inſtituted Time out of Mind, and had been approved as well by the Popes of *Rome* as by the Kings of *England*: And in another place he undertakes to ſhew, That it was antiently a Corporation in other reſpects; as 1*ſt*, that it has been antiently aſſerted to be ſuch by all the Members of the Univerſity. 2*dly*, That antiently it had a publick Seal. 3*dly*, That in this Capacity it had antiently received and enjoyed Lands and Poſſeſſions, *&c.* Touching the firſt, *Oliver Sutton*, Biſhop of *Lincoln*, made ſome Diſpute, by queſtioning ſome Cuſtoms of the Univerſity, as not conſiſting with its Condition, being no Corporation; but the whole Univerſity of Maſters in Congregation aſſembled, taking the ſame into conſideration, did unanimouſly aſſert and maintain the Univerſity of *Oxford* (as a Body Corporate Time out of Mind) to have been in full Poſſeſſion of thoſe Cuſtoms. As to the ſecond, there being a Perſon employed to go to the Court of *Rome* againſt ſome Preaching Fryars, he produced for his Authority an Indenture under our publick Seal, whereon was the Image of a Man

Twyne's Ant. p. 292.

A.D. 1280.

ſitting in a Chair under a Canopy, and of many Perſons at his Feet, having in the Circumference this Inſcription, *viz.* in *Engliſh*, *The Seal of the Univerſity of* Oxford. In the Reign of *Edward* the Third, on a Mutiny among the Maſters in the Congregation about the Choice of a Chancellor, the Cheſt wherein this Seal was kept was broke open, and the ſame being deliver'd to the Chancellor, he preſently expelled the Proctors for their Oppoſition of his Election; but they were ſoon afterwards by the King reſtored, and he forced to deliver the Seal to them. And as to the Third, it is well known, that in the Reigns of *Edward* the Firſt, and *Edward* the Second, certain Meſſuages were given to the Univerſity by *Walter*, Biſhop of *Exeter*, and *Raynold le Bedell*, to be held in Mortmain for the Maintenance of poor Scholars, called *Chamberdekins*.

Touching the Incorporation of the Univerſity by Act of Parliament, 'tis well known, that, in the 13th Year of Queen *Elizabeth*, it was expreſly enacted by the Authority of the Queen, Lords and Commons, that the Earl of *Leiceſter*, then Chancellor of this Univerſity, and his Succeſſors for ever, and the Maſters and Scholars thereof, for the Time being, ſhall be incorporate, and have a perpetual Succeſſion in Fact, Deed and Name, by the Name of the Chancellor, Maſters and Scholars of the Univerſity of *Oxford*, &c. And that they have a common Seal for their neceſſary Occaſions, and may ſue and be ſued for all Manner of Cauſes, Quarrels, Actions real, perſonal, and mixt, of what Kind, Nature or Quality ſoever they be. And as Queen *Elizabeth* did, in that Manner by Act of Parliament, incorporate both Univerſities; ſo did King *James* the Firſt, by Let-

Letters Patents, impower them to ſend Burgeſſes to Parliament. In the Chancellorſhip of *Lionel Wideville*, the Cooks at *Oxford* were erected into a Society or Corporation, as appears by the Charter granted unto them; which was afterwards ratify'd and confirm'd in the Reign of King *Edward* the Sixth, by Dr. *Rich. Martial*, Vice-chancellor of the Univerſity; and Dr. *Humphreys*, Preſident of *Maudlins*, in his Vice-chancellorſhip, appointed them a Sermon to be preach'd at St. *Peter*'s-Church in the *Eaſt*, on *Good Friday*; which Inſtitution has prevailed and continued in Uſe to this very Day. The Company of *Barbers* at *Oxford*, was firſt incorporated in the Chancellorſhip of *John de Northwode*, as appears from his Charter of Incorporation; but this Charter has ſince been renew'd unto them by the Convocation in the Vice-chancellorſhip of Dr. *Bathurſt*.

Juſtice *Finchden*, a Man of great Eſteem for his Knowledge in the Laws of *England*, on the Occaſion of a Queſtion concerning a Privilege of the Univerſity of *Oxford*, in the *Common Pleas* at *Weſtminſter*, ſaid, It was great Reaſon that they, who were the Inſtruments of ſo much Good in the Common-wealth, ſhould have beneficial Cuſtoms for the Maintenance of their Societies; and that the King, as Guardian of the Realm, has Power and Authority, by his Prerogative, to grant many Privileges thereunto for the Publick Good, tho', at firſt View, they appear againſt the *Common Law*; and he gives an inſtance in the Privileges granted to the Scholars of the Univerſities, and the Merchants of the Staple. And King *Edward* the Third, in his Charters and Grants to this Univerſity, declares the ſame; for the ſaid King in a moſt gracious Charter, by which he aim'd

4 *Edw.* 3. 17.

27 *Edw.* 3. 29.

at

at the Reſtitution and Settlement of the Scholars at *Oxford*, diſperſed and driven from thence by the Violence of the Townſmen, premiſes, That among other Things, by which the Condition of Kings and Kingdoms is advanced, and the Profit and Quiet of Subjects preſerved, the chiefeſt ſeems to be the mutual Conjunction of Power and Strength, with Wiſdom eſpecially deriv'd from Learning: For military Power, unleſs regulated by Wiſdom, eaſily miſcarries; as a Ship without a Rudder expos'd to Storms ſuddenly periſhes: And 'tis a common Obſervation, that where the Studies of the Liberal Arts and Sciences have moſt prevailed, there the temporal Milice has likewiſe flouriſh'd, and the Grandeur of the State been eſtabliſh'd (as in *France* under the late Adminiſtration of *Colbert*:) And whereas the Univerſity of *Oxford*, as the Fountain and chief Stream of theſe Studies, has, in an eminent Manner, diſperſed the Dew of Learning throughout the Realm of *England*, and as a fruitful Vine has ſent forth many uſeful Branches into the Lord's Vineyard, *i. e.* moſt learned Men, by whoſe Abilities both the Church and State are many ways adorned and ſtrengthened, he in Conſideration thereof ordains, *&c.* And King *Henry* the Eighth, in the Preface to that ample Charter granted by him thro' the Interceſſion of Cardinal *Wolſey* to this Univerſity, expreſſes himſelf in the like Manner. Pope *Boniface* the Eighth, in the Preamble of his *Bull*, exempting this Univerſity as much as in him lay, from Archiepiſcopal and Epiſcopal Juriſdiction, ſignifies, That he thought it worthy and due, that gracious Favours, and the Helps of proper Liberties and Conveniences be extended to Perſons intending the Studies of Learning, by whom

14 *Hen.* 8.

whom the Catholick Faith, and the Worſhip of God is promoted, Juſtice preſerv'd, and both publick and private Affairs well order'd for the Proſperity of Mankind.

Though this Univerſity be ſituate within the Dioceſs and Arch-Deaconry of *Oxford*, and the Clergy ordinarily, in Cauſes Eccleſiaſtical, are ſubject to the Dioceſan and the Arch-Deacon; yet the Chancellor of the Univerſity, in all ſuch Cauſes happening betwixt Scholars, for time immemorial has uſed and been accuſtom'd to exerciſe Juriſdiction; and that by ſuch Uſe and Cuſtom Eccleſiaſtical Juriſdiction may be acquired, *Lyndwood* affirms; and this is well proved by Authority out of the *Canon* Law, as when the Biſhop of *Belva* conſulted Pope *Innocent* the Third, whether, upon a Complaint made unto him, he might proceed againſt ſome Clerks belonging to the Chapter of that Place, the Chapter claiming Juriſdiction over them: He anſwer'd, That thoſe who had Cauſe of Complaint, ought to have recourſe to him, as their Ordinary, for any thing done in his Dioceſs, until the Chapter had Right to claim the Juriſdiction by Privilege, that is, by Grant, or by ſpecial Cuſtom; where the Gloſs likewiſe notes, that Cuſtom is ſufficient to make a Juriſdiction. And that the Chancellor of this Univerſity has exerciſed Juriſdiction among Scholars and others in Eccleſiaſtical Cauſes for a great Length of Time, appears from very ancient Records.

Thoſe who have contended to render this an Eccleſiaſtical Corporation, affirm, That the Chancellors original Juriſdiction was Eccleſiaſtical, and that Eccleſiaſtical Perſons being capable to preſcribe to Temporal Juriſdiction, were much more able to receive it by Grant from the Kings

Kings of this Realm; and that the Civil or Temporal Juriſdiction was added to it, both for the Confirmation and Augmentation thereof: From whence it was, that the Chancellor's Court was ſecur'd from Prohibitions by King *Edward* the Firſt, Second, and Third.

The Right of proving Wills, granting Letters of Adminiſtration, and paſſing Accounts, have always (ſay they) been held to be ſpecial Parts of Eccleſiaſtical Juriſdiction; and what the Chancellor's Right was in thoſe Matters anciently, is atteſted by an Adminiſtration granted in the Seventh of *Edward* the Sixth, where *Thomas Symmons*, Fellow of *Merton*-College, dying, made his Will; but the Executors refuſing to prove the ſame, an Adminiſtration was granted, with the Will annex'd in the King's Name, yet in Right of the Chancellor of the Univerſity, to *Robert Barnes* and *William Smyth*, Fellows of the ſame College; wherein it is declared, That in that Caſe the Power of diſpoſing of the deceaſed's Goods and Debts, and of committing the Adminiſtration thereof, and of taking and paſſing an Account, did notoriouſly belong to the Chancellor of the Univerſity only and wholly, by ancient and laudable Cuſtom, lawfully preſcrib'd, and quietly enjoy'd till that time without Interruption. To which may be added, That Mr. *Selden*, in his *Diſſertations* upon *Fleta*, writes, that to Biſhops Conſiſtories divers other Courts have been added, as the Courts of many Abbots; to whom the Privilege of Spiritual Juriſdiction was allow'd, and the Courts of both the Univerſities.

In the Ninth Year of *Edward* the Third's Reign, *Robert Stratford*, Chancellor of this Univerſity, ſupplicated him; that whereas the ſaid Chancellor had all Manner of Juriſ-

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diction over Scholars of the Univerſity, and Lay-men contracting with them, or offending againſt them, with Power to conſtrain and puniſh them by all Manner of Coertion and Cenſures; and that ſome of them being convened, as well by reaſon of their Contracts, as for their Offences, Contumacies, and Rebellions, had incurred the Sentence of the greater Excommunication, and betaken themſelves to Places far remote, ſlighting theſe Sentences, and perſevering under them, for the Space of 40 Days; that thereupon he would grant, that upon ſignifying them by the Chancellor, the uſual Writs for arreſting them, as is accuſtom'd, upon the Signification made by Biſhops and Ordinaries, might be awarded. He, deſirous to proceed for the Tranquillity of the Univerſity by all poſſible means, and willing to afford a fit Remedy againſt Contumacious and Rebellious Perſons, granted, that upon Signification made by the Chancellor of the Univerſity by his Letters Patents, that Writs ſhould be iſſued out of the *Chancery* for arreſting ſuch excommunicated Perſons, in the like Manner as has been accuſtom'd upon the Signification of the Biſhops and Ordinaries, for the Space of three Years. And in the 12th Year of his Reign, on the Requeſt of *Robert*, Biſhop of *Chicheſter*, and Chancellor of the Univerſity, the ſame was granted for the Space of three Years longer; and after ſeveral Continuances of this Power by divers Kings, the ſame was made perpetual by *Henry* the Eighth.

14 *Edw.* 3.
18 *Edw.* 3.
2 *Ric.* 2.
16 *Ric.* 2.
1 *Hen.* 4.

A Privilege is ſaid to be as it were a private Law, and *extra jus Commune*; but ſuch Privilege obtain'd contrary to the publick Utility of the Realm is not valid; nor can the Privilege of one Perſon deſtroy and take away the Privilege

lege of another; not ought it to be granted to the Damage and Prejudice of another; and every Privilege ceaſes, when the Cauſe and Reaſon of ſuch Privilege ceaſes; thus a Privilege granted in Reſpect of any certain Quality, laſts and endures ſo long as ſuch Quality remains, and no longer. Privileges granted to Univerſities and Colleges, are not loſt and forfeited on or by reaſon of the Offence and Contravention of particular Perſons: And as Privileges granted to Scholars are extended to their Servants, and ſuch Perſons as dwell with them in their Studies; ſo are Privileges granted to Colleges and Univerſities, granted alſo to their Servants and Familiars.

Although every privileged Perſon may regularly wave and renounce the Privilege granted to him either by the Law, or by the Prince, of ſuing, or of being ſued, in any certain Court annex'd to ſuch Privilege, ſo that the Conſent of the Judge is not neceſſary, but the Conſent of Parties is ſufficient; yet this Rule proceeds no further than this, *viz.* That when the Privilege of ſuch Court is principally granted in Favour and for the Advantage of the Perſon waving his Privilege.

A Privilege is either *Perſonal* or *Real*: A *Perſonal* Privilege follows the Perſon of him to whom it is granted, and dies with him, if the final Cauſe of granting ſuch a Privilege be extinguiſhed; but where the final Cauſe of granting ſuch a Privilege is not extinguiſhed, either through the Death or Means of the Party privileged, ſuch Privilege does not expire: For *ceſſante cauſâ finali, ceſſat effectus; & non ceſſante cauſâ, durat effectus.*

He that alledges a Privilege, ought to prove the ſame; becauſe a Privilege as it is a Matter,

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is not preſumed; and a Privilege is not prov'd by the Uſage thereof, but by a juſt and good Title thereunto; for he that avers a Privilege, alledges *malam fidem*, unleſs he proves a Title thereunto.

There is this Difference between an Indulgence and a Privilege, that an Indulgence, properly ſpeaking, is a Diſpenſation, which is granted not contrary to the Common Law, but contrary to the Statutes and Rules of a particular Foundation: Whereas a Privilege is a proper and private Right, granted to any Perſon or Corporation contrary to the Rules of the Common Law: For Privileges are Abatements of Common Right, becauſe they add *privato juri*.

The Title of a *Phyſician* does not privilege and exempt a Perſon, who is choſen Conſtable of a Pariſh; for there is a Difference between a *Lawyer* and a *Phyſician*, the former enjoying his Privilege by reaſon of his Attendance in publick Courts, and not on the Account of any private Buſineſs in his Chambers: But a *Phyſician*'s Calling is a private Calling.

In a Convocation held on the 4th of *June*, 1565. it was decreed, that whereas divers privileged Perſons enjoy'd the Privileges of the Univerſity, and the Freedom of the City of *Oxford* at the ſame time, in Repugnancy to the Statutes and Cuſtoms of the Univerſity, they ſhould either renounce all Juriſdiction which the City claim'd over them, or wholly wave and quit their Claim to the Univerſity-Privileges; for that the Univerſity would not ſuffer them to be of both Corporations. See alſo the Decree of the Convocation of the 2d of *April*, 1576. Regiſter K.

The Year here in the Univerſity of *Oxford* is divided into four Terms; the firſt begins the

10th

10th of *October*, and ends the 17th of *December*, and is called *Michaelmas*-Term; the ſecond, called *Hilary* or *Lent*-Term, begins the 14th of *January*, and ends the *Saturday* before *Palm*-Sunday; the third, called *Eaſter*-Term, begins the 10th Day after *Eaſter*, and ends the *Thurſday* before *Whitſunday*; the Fourth is called *Trinity* or *Act*-Term, beginning the *Wedneſday* after *Trinity*-Sunday, and ending after the Act, ſooner or later, as the Vice-Chancellor or Convocation ſhall think meet. If the Beginning or End of any Term ſhall happen on a Holy-day, the Beginning and Ending of the ſame ſhall be delayed and put off to the Day immediately following. Full Term is ſaid to be begun as to Exerciſes, the firſt Day of the Week enſuing the firſt Congregation; ſo that if the Term begins on a Sunday, the Sunday following begins the Full Term. The Day before the Beginning of each Term, there is a *Latin* Sermon preach'd by ſome Doctor or Batchelor in Divinity, to the Clergy in St. *Mary*'s Church, immediately after Prayers, according to the Liturgy of the Church of *England*; and no one can preach this Sermon, unleſs he be in holy Orders, a Graduate in Divinity, or at leaſt four Years ſtanding Maſter in Arts on the Divinity Line, and admitted to preach by the Vice-Chancellor; who is to read theſe Prayers, and all others, upon any Occaſion, either by himſelf, his Deputy, or ſome other publick Profeſſor of Divinity, or ſome Doctor of Divinity, or Head of a Houſe, ſubſtituted hereunto by the Chancellor, Vice-Chancellor, or his Deputy; and celebrate all other Divine Offices then and there to be performed, the Litany excepted, which is to be ſung by two Maſters of Arts there preſent, and of the Proctors Appointment, by their

their Monition or Requeſt to them by a Beadle; and if any one hereunto admoniſh'd, or requir'd, ſhall refuſe thus to ſing, they ſhall be mulcted in the Sum of five Shillings, to the Uſe of the Univerſity; and the Proctors ſhall appoint others there preſent, 'till ſome take this Office on them; and if no Body will do it, the Proctors ſhall be obliged to ſing it themſelves. After Prayers and Sermon ended, there is a Sacrament or Communion for ſuch as will worthily receive the ſame, according to the Canons and Diſcipline of the *Engliſh* Church; and thus is every Term with great Solemnity entred upon.

Matriculation, or the Regiſtring of Names is ſo called from the *Latin* Word *Matricula* anciently ſignifying a *Kalendar*, or Regiſter of Names, ſuch as is kept in every Pariſh for the Regiſtring the Names of Perſons baptized, married or buried; and among Soldiers it ſignifies a Muſter-Roll: Thus in the Church, there was the *Matricula Clericorum*, being a Liſt or Catalogue of the Officiating Clergy; and a *Matricula Pauperum*, a Kalendar of the Poor, who receive Alms, *&c.* In the Univerſity of *Oxford*, this *Matricula* or Regiſter is kept by one of the ſuperior Beadles (uſually the Law-Beadle) into which Book the Name of every Perſon is entred, who is willing to become a Member of this Univerſity. And all Perſons ſo regiſtred, after their taking the uſual Oath, to keep and maintain the Privileges, Cuſtoms and Statutes of the Univerſity, (if above 16 Years of Age) ſhall be deem'd and had as privileged of the ſame, by the Charter of *Hen.* 8.

Every Student or Scholar of what Condition ſoever he be, ought within 15 Days after his firſt Coming hither, to appear before the Chan-

cellor or his Commiſſary, for this his Matriculation; nor can any Student or Scholar enjoy any of the Privileges of the Univerſity, till he becomes matriculated: And if any one lawfully admoniſhed hereunto by the Head of any College or Hall, or his Deputy, ſhall neglect or refuſe the ſame, he is mulcted in the Sum of 6 *s.* 8 *d.* for every 15 Days of his Delay to the Uſe of the Univerſity. All matriculated Perſons of 16 Years of Age are to ſubſcribe the 39 Articles, and to take the Oaths of Allegiance and Supremacy, and alſo an Oath to bear true Fidelity to the Univerſity, in the Obſervance of its Statutes, Cuſtoms and Privileges: But if the Perſon to be matriculated be under 16 and above 12 Years old, he only ſubſcribes the aforeſaid Articles, and is matriculated; and if he be under 12 Years, he is only matriculated; and in each Caſe as ſoon as he arrives at a mature Age, he ſhall perform every thing neceſſary to his Matriculation, under the aforeſaid Penalty.

All Heads of Colleges and Halls, and in their Abſence their Deputies, are obliged within 15 Days from the Time of any Scholars Admiſſion into their Colleges and Halls, to ſee that this Matriculation be duly obſerved; and it is the Duty of the Perſon's Tutor to go along with him, and there, upon the Oath which he hath taken to the Univerſity, to give an Account of the Condition and Quality of the Perſon to be matriculated, *viz.* whether the Son of a Nobleman, Knight, Doctor, Eſquire, *&c.* And on the Tutor's Refuſal to give the Vice-Chancellor this Account, he ſhall be interdicted the Office of a Tutor. And if the Head of the Houſe, or his Deputy, does not compel ſuch Perſon to appear and qualify himſelf to be a Member of the Univerſity, upon Notice given to him by the Supe-

Superior Beadle in *Law* or *Divinity*, that ſuch Perſon is not matriculated within the aforeſaid Time, he ſhall be mulcted in the Sum of 3 *s.* 4 *d.* for every 15 Days Delay, after ſuch Notice given to him.

All Students, of what Condition ſoever, are to be admitted into ſome College or Hall, within a Week from their firſt coming to the Univerſity; where they are to take their conſtant Victuals and Lodging, and not to diet or lodge in any private Houſe, upon any Account beyond the ſaid Time, unleſs the Chancellor or Vice-Chancellor approves the Reaſon thereof, under the Pain of Loſing the Privileges of the Univerſity for this Offence; and upon a growing Contumacy herein, under the Pain of Impriſonment or Expulſion: Yet Scholars may lodge in any Houſes or Tenements annex'd or to be annex'd to Colleges or Halls, wherein Townſmen do not keep a Family: No Houſes can be thus annex'd, unleſs they are ſo ſituate, that Entrance be to them only by the Common Gate or Door of the Hall or College, which is in the Care of the Chancellor or his Commiſſary.

Scholars in every Hall and College are each of them to have their Tutors from their immediate coming hither till they are promoted to ſome Degree, or (at leaſt) have compleated 4 Years time here, as Students in the *Civil* Law: And no one may be a Tutor, unleſs a Graduate in ſome Faculty, a Perſon of Learning and Probity, and alſo of ſound Religion, to be comprov'd of by the Head of the Houſe wherein he lives; and if any Diſpute ariſes about the ſame, the Matter is to be adjudged of by the Vice-Chancellor: And if it appears to the Vice-Chancellor by Legal Proofs, that ſuch Tutor is inſufficient, and not qualified, the Vice-Chancellor may in-

terdict him the Office of Tutor for altogether; which Office conſiſts in inſtructing the Scholars committed to his Tuition in good Manners and approved Authors, and in the Principles of the Chriſtian Religion, as derived from ſacred Writ, and not from the idle Syſtems and diſtinguiſhing Inſtitutions of Men, whoſe Buſineſs it is for filthy Lucre's ſake, rather to divide than unite us in the true Catholick Faith and Doctrine of *Jeſus Chriſt*; and if any one ſhall offend herein, he ſhall be puniſh'd according to the Diſcretion of the Chancellor or his Vice-Chancellor. It is alſo incumbent on the Tutor, to take Care and ſee that his Pupil be ſtatutable in his Habit, *&c.* and for any Delinquency of his Pupil, the Tutor ſhall be mulcted 6 *s.* 8 *d.* for the firſt, ſecond, and third Time; and for the fourth Time the Vice-Chancellor ſhall interdict him the Office of a Tutor.

No Head of a College or Hall can admit any Scholar, of his own Accord, leaving another College or Hall, without Leave firſt obtain'd under the Hand-writing of the other Head, who ought to bear Witneſs of his Life and Converſation, and ſpecify the Cauſe of ſuch Scholar's Departure; that the Chancellor of the Univerſity, for the time being, may approve the ſame, (if reaſonable) by calling before him ſuch Head, and examining into the ſame; and if ſuch Head ſhall tranſgreſs herein, he ſhall forfeit 40 *s.* for the Admiſſion of every Perſon thus admitted. And if any Scholar ſhall be expell'd any College or Hall, he ſhall not be admitted into any other College or Hall, until the Chancellor ſhall by Cognizance of his Expulſion, and of the Puniſhment firſt inflicted on him *pro arbitrio ſuo*, deem him fit to be thus admitted, under the Pain of 40 *s.* for every Scholar admitted contrary to the Intention of this Statute, to be paid to the Univerſity

verſity by ſuch Head or his Deputy herein offending, and under the Pain of Bannition to be inflicted on the Scholar, whom the Vice-Chancellor has legally adjudg'd expell'd, as procuring to have himſelf thus admitted, before he has undergone the Puniſhment of the Vice-Chancellor's Impoſition.

All Scholars in the Faculties of Arts (except the Sons of Barons, having a Right of Suffrage in the upper Houſe of Parliament, and the eldeſt Sons of Baronets and Knights-Batchelors) do wait four Years, or ſixteen Terms, to be reckon'd from the Day of their Matriculation, before they take a Batchelor's Degree; and diligently attend all publick Lectures, and do the other ſtatutable Exerciſe for the ſame; ſuch as *Generals*, *Juraments*, *Anſwering Under Batchelor*, *&c.* and are alſo bound to live in the Univerſity, and not in any private Houſe, but in ſome College or Hall, *abſque dolo malo*. The Perſons above excepted take this Degree after three Years compleat ſtanding in the Univerſity, and Barons Sons within leſs Time, if the Chancellor pleaſes, on performing the Exerciſe neceſſary hereunto, provided theſe Perſons be not Fellows or Scholars of any other Foundation; but then they muſt be matriculated under ſuch Title and Quality. *Generals* are Diſputations on three *Logical* Queſtions from one a-Clock in the Afternoon till three, formerly called *Variations* and *Diſputations* in the *Parviſe*; and theſe are had every *Monday*, *Wedneſday* and *Friday*, in full Term, in the publick Schools of Arts, under the Moderatorſhip of ſome ſenior Sophiſt, or Batchelor of Arts; and the Reſpondent, to this End, gives out his Queſtions, to be diſputed on a Week before ſuch Diſputation, to be approved of by the Maſter of the Schools, im-

mediately after *Auſtins*, on *Wedneſdays* and *Saturdays*, (for which the Maſter receives 6 *d.*) with the Names of the Diſputants, under Pain otherwiſe that this Exerciſe ſhall not go *pro formâ*: And for the Inſpection of this Buſineſs, the Proctors do *de quatriduo in quatriduum* name four Maſters, who ought regularly to preſide and moderate herein, under the Pain of 3 *s.* 4 *d. toties quoties* for abſence. This Exerciſe is not to be perform'd till the Student be two Years ſtanding in the Univerſity, and three Terms (at leaſt) e'er he ſupplicates for a Batchelor's Degree; and then he is created *General*, or *ſenior Sophiſt*, immediately after the End of theſe Diſputations, by one of the aforeſaid Maſters in the Natural Philoſophy School. Theſe *ſenior Sophiſts* are obliged every Term afterwards, till they take this Degree, to diſpute once at leaſt in the *Parviſe*, under Pain of the former Diſputation not going *pro formâ*; which is termed *Juraments*, from the Oath taken at the Time of proceeding Batchelor, that they have done all the Statutable Exerciſe; and the Congregation cannot diſpence with the making of *ſenior Sophiſts* and *Juraments*. When a Scholar is created *Senior Sophiſt*, the Maſter, aſcending the *Roſtrum*, makes a ſhort Speech to him in Praiſe of *Ariſtotle*'s Logick, and exhorts him to the Study of good Letters; and this under the Pain of 10 *s* if the Maſter neglects the ſame, delivering *Ariſtotle*'s Logick into the Scholar's Hands; who thereupon puts on the *Sophiſts* Hood, and till then he is deemed properly a Scholar. If any Controverſy ariſes about the School wherein this Exerciſe is to be done, it is decided by the Seniority of the Moderators; and if there be no Moderator, then by the Seniority of the Reſpondents, who are bound by 8 in the Morning

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to fix up on the Publick School Gates the Queſtions to be diſputed, with their own Names, and the Names of the College or Hall whereunto they belong; which they ought not to pull down by themſelves, or the Means of other, till the Diſputations are ended, under Pain of 3*s*. 4*d*. on the Maſter's Complaint thereof to the Vice-Chancellor or Proctors. Theſe Perſons are attended from St. *Mary*'s Church to the Schools, by one of the Yeomen Beadles, for which he receives 2 *s*. of every Scholar, to be equally divided amongſt them, (I mean of ſuch as anſwer *pro formâ*, and not *pro termino*) which Beadle the ſame Day enters the Names of the *Senior Sophiſts* into a Book to be kept by the Yeomen Beadles, under the Forfeiture of 3 *s*. 4 *d*. to the Univerſity, for Default thereof *toties quoties*. In theſe Diſputations in the *Parviſe*, the Perſon is to anſwer once, and oppoſe once, *pro formâ*, from one a Clock to three in the Afternoon.

Beſides theſe *Generals* and *Juraments* to be perform'd for this Degree, the Party muſt twice anſwer at *Lent Determinations* for an Hour and a Half under Batchelor, unleſs the Congregation ſhall think fit to commute his ſecond Turn at *Determinations* into the other Turn of anſwering at *Generals*; but no one can anſwer at theſe *Determinations* until he has ſpent four Terms in the Study of *Grammar*, *Rhetorick*, and *Logick*; and only one can anſwer under this Batchelor in one and the ſame Day, the *Reſpondent* ſitting oppoſite to the *Opponent*, under the Batchelor's Pew; and if the *Reſpondent* ſhall do otherwiſe, his Anſwer ſhall not be *pro formâ*; and if the *Opponent* ſhall offend herein, the Vice-Chancellor and Proctors may puniſh him at Diſcretion.

From the Time of Admiſſion to a Batchelor's Degree, every Artiſt is oblig'd to wait 12 Terms

in hearing of publick Lectures aſſign'd him, and in frequenting of Diſputations, as well as diſputing himſelf, before he can ſue for his Grace in order to have a Maſter of Arts Degree: And if any one ſhall have done the neceſſary Exerciſe for a Maſter's Degree, and have ſpent the Reſidue of his Time in any other Univerſity, the ſame ſhall be allow'd him as ſpent herein, provided it appears by a Teſtimonial under the Seal of ſuch Univerſity, where he profeſſes himſelf to have ſtudied, or by ſome other credible Evidence. As to the Exerciſe for a Maſter's Degree, it is decreed, That every Batchelor of Arts, after Admiſſion to his Degree, ſhall ſolemnly determine in *Lent*; and theſe *Lent Diſputations* are called *Determinations*, becauſe they do determine and finiſh the Conditions of a Batchelor's Degree, and truly compleat the ſame; and alſo for the Degree of Maſter, he muſt anſwer at *Quodlibet* Diſputations, ſo ſtiled becauſe he muſt anſwer on three Queſtions to be propounded by any Maſter at Pleaſure, after he has finiſh'd his *Lent Determinations*. Beſides theſe *Determinations* and *Quodlibets*, ſuch Batchelor muſt either as a *Reſpondent* or *Opponent*, diſpute in *Auſtins*, ſpeak two Declamations, and read ſix ſolemn Lectures, before he can be promoted to a Maſter's Degree. Every Batchelor preſented to this Degree is oblig'd ſolemnly to determine the *Lent* following, unleſs his Grace be *ſimply* granted him, under the Pain of ſuch Grace being not confirm'd to him, unleſs he alledges ſome Impediment to be approv'd by the Vice-Chancellor and Proctors; in which Caſe he may defer his Determination to the next *Lent*, then to be perform'd under the like Penalty. And to prevent all Tumults heretofore wont to happen about the Choice of *Collectors* in *Lent*, it is,

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in Purſuance of the Statutes tranſmitted to the Univerſity by K. *Ch.* I. ordain'd, That the Proctors for the time being ſhall on *Egg-Saturday* appoint two of the *determining* Batchelors to ſerve this Office, each of the Proctors chuſing one *Collector* out of ſome College or Hall at Pleaſure; and if any Proctor ſhall be found guilty of Bribery in this Choice, he ſhall be removed from his Office *ipſo facto*, and be oblig'd to refund all Fees and Sums of Money whatſoever by him received from the Batchelors of that Year, and forfeit the ſame to the Univerſity-Cheſt. Theſe Collectors, as ſoon as admitted to their Office, are to go to their reſpective Halls and Colleges without any Noiſe or Diſturbance; and not to entertain any Perſons at all in their reſpective Colleges and Halls, with Compotations, *&c.* under Pain of preſent Amotion from their Office by the Vice-Chancellor, and other Perſons by the Proctors be ſubſtituted in the Places of the Parties thus offending and removed. The Office of theſe Collectors is, equally to diſtribute (as far as poſſible) the *determining* Batchelors into certain Claſſes, and to allot each of them their Schools ſeparately, under the Pain of 10 *s.* to be inflicted on the Collectors to the Uſe of the Univerſity, if he deputes two Batchelors at one and the ſame Time, to anſwer in the ſame School, and the like Penalty on any Batchelor intruding himſelf into a School aſſign'd to another; beſides, ſuch Exerciſe then done ſhall not go *pro formâ*. Theſe *Determinations* are had every Day of the Week, beſides *Saturday* and *Sunday*, unleſs a Holy-Day happens, from the Beginning of *Lent* to the End of the Term, the *determining* Batchelors anſwering in their proper Turns, and in the publick Schools, according to the Order of the Claſs wherein they are placed.

placed. Theſe *Collectors* take place according to the Time of their Preſentation and Admiſſion to their Batchelor's Degree, unleſs the Right of Seniority belongs to one of them *ratione promotionis, i. e. by Grand Compounderſhip.*

On *Aſhwedneſday*, according to an antient laudable Cuſtom, immediately after the *Latin* Sermon preach'd to theſe *Determiners*, there is a Bell rings out, calling the *Preſentator* or *Dean* of every College and Hall, with his *Determining* Batchelors of that *Lent*, attending him in in their proper Habits, to the Schools, which they chuſe according to the Seniority of every *Dean* or *Preſentator*; and having made choice of their ſeveral Schools, the Dean or Preſentator mounts the Pew, and has three Queſtions propounded to him in *Natural Philoſophy*, with Verſes read, briefly explaining the Senſe thereof, by each of the *Determiners*; which Queſtions and Verſes, as ſoon as propounded and read, one of the Senior Batchelors takes upon him to anſwer the *Dean*, who is always *Opponent*, after the *Dean* has propounded a Syllogiſm or two to his *Determiner*; who thereupon prays his *Ariſtotle* (for ſo is the Senior Reſponding Batchelor called) to anſwer for him, as long as the *Dean* ſhall think fit: And theſe Diſputations hold and laſt from One a Clock till Five in the Afternoon, when the firſt *Determiner* in each School, in the Name of the reſt ſurrounding, on his bended Knees, ought to return Thanks to the *Dean* and the *Ariſtotles*, or Senior Batchelors, under a certain Form of Words too needleſs here to expreſs; and if any Perſon ſhall be Delinquent or wanting in any of the Premiſes, he ſhall be puniſh'd at the Diſcretion and Pleaſure of the Vice-Chancellor and Proctors. Every *Saturday* Morning, from the Begin-

Beginning of *Lent* to *Palm-Sunday*, all the *Determiners* are bound to meet at St. *Mary*'s Church at Eight a Clock, for Prayers, according to the *Engliſh* Liturgy, and if any ſhall be abſent, they ſhall be mulcted at the Diſcretion of the aforeſaid Perſons. After the End of Prayers, on the Vigil of *Palm-Sunday*, the Junior Proctor makes a Speech, rebuking all Errors committed in point of Learning during the *Lent*, as well as Offences againſt Good Manners, eſpecially Tumults, Brawlings and Fightings, if any ſhall have happen'd; and commending ſuch as have deſerved well by their Diſputations and their modeſt and peaceable Behaviour. On the *Thurſday* and *Friday* immediately after *Aſh-wedneſday*, the *Collectors* may aſſign as many *Determiners* to anſwer *pro formâ* out of the Claſs or Order, as exceed the Number of Schools and the uſual Days of Diſputing; every *Determiner* anſwering twice in *Lent*, unleſs it ſhall be neceſſary ſometimes for ſome Claſſes to anſwer thrice, by reaſon of the unequal Number of Days: And ſuch as cannot be reduc'd into Claſſes, ſhall be aſſign'd (as aforeſaid) to anſwer on the *Thurſday* and *Friday* next to *Aſhwedneſday*, and in the Afternoon of ſuch Days, as Diſputations are had in the Forenoon; and ſuch *Determiners* as are ſupernumerary to the Schools, ſhall determine in the *Divinity-School*. Theſe Collectors in diſpoſing their Claſſes ought to have ſpecial Regard to Perſons of more eminent Condition and Quality, to place them ſo as they may have the Opportunity of praying a *Gracious* Day; and if the Collectors herein offend, they are to be mulcted at the Pleaſure of the Vice-Chancellor and Proctors. On *Fridays*, Vigils of Feaſts, and other Days, on which a Congregation of Regents is held, Diſputations begin at Nine a Clock in the

the Forenoon, and end at Twelve, unleſs on *Gracious* Days, when they end at Eleven; and on all other Days they begin at One a Clock in the Afternoon, and end at Five; and as ſoon as theſe Diſputations are ended, on the Ringing of the Bells, all Perſons are to depart the Schools, under the Pain of 20 Shillings to be paid to the Univerſity, without aſſigning ſome reaſonable Excuſe, to be approv'd by the Vice-Chancellor. On *Mondays*, *Tueſdays*, *Wedneſdays* and *Thurſdays*, theſe Determiners diſpute on *Logical* Queſtions, which they are oblig'd to defend, according to the Authority of their great Maſter *Ariſtotle*; and on *Fridays*, on *Grammatical*, *Rhetorical*, *Political*, and *Moral* Problems; in *Grammar* they are to follow the antient and received Authors; and in *Rhetorick*, *Politicks*, and *Moral Philoſophy*, they are likewiſe bound to defend *Ariſtotle*, and the whole Doctrine of the *Peripatetick*s, under Pain that if any one ſhall do otherwiſe, his Anſwer ſhall not be taken *pro formâ*, and he ſhall be alſo mulcted Five Shillings *toties quoties*.

Every Batchelor of Arts, after his full *Determination*, ought once every Year to anſwer or oppoſe at *Auſtin* Diſputations every Saturday in full Term, from One a Clock till Three in the *Natural Philoſophy* School, if he be requir'd ſo to do by the Collectors hereunto deputed by by a lawful Premonition of 15 Days; that is, if no Batchelors for 15 Days before ſhall offer themſelves to theſe *Collectors* for to diſpute *pro formâ*; and if any Perſon ſhall refuſe, if he has not diſputed within half a Year before, his Exerciſe the Year before ſuch Refuſal, and the Year enſuing, ſhall not go *pro formâ*. The Senior Batchelor at theſe Diſputations ſhall have his Choice of oppoſing or anſwering, unleſs one

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of the Diſputants be a Baron's Son, having a Suffrage in the Houſe of Lords, or may expend *de proprio* to the Value of 40 *l. per Annum.* But the Maſter of the Schools may alſo appoint *Wedneſdays* for theſe Diſputations, if he knows every *Saturday* for a Month together to be already taken up; and if theſe two Days are not enough for theſe Diſputations, the Congregation may diſpenſe with the ſame on any other Day, on a Certificate under the Hand-writing of the Maſters of the Schools, that every one of the ſaid Days appointed for *Auſtins* is already taken up, even to the End of the Term. The Queſtions are deliver'd to the Maſter of the Schools ſeven Days, and fix'd up on both the Schools Gates three Days before, under Pain, that this Exerciſe ſhall not go *pro formâ.* The Proctors every Year, on their Entrance into their Office, are to name two Maſters of Arts alternately in their own Perſons, and not by another, to preſide at *Auſtin* Diſputations, unleſs it be in caſe of Sickneſs, or ſome extream Neceſſity, and the Perſon be ſubſtituted with the Conſent of the Vice-Chancellor and Proctors: And moreover the Proctors are at the ſame time to name two Batchelors of Arts for *Collectors* at *Auſtins*, who are to ſee that there be no Want of theſe Diſputations thro' a Defect of Diſputants; and to which end, theſe Collectors alternately may order two Batchelors of Arts, beginning with the *Seniors* of the third Year, and ſo downwards *ſeriatim*, to diſpute *pro termino, &c.* on 15 Days Premonition, if none offer themſelves ready to diſpute *pro formâ*: and if the Perſons thus premoniſhed ſhall refuſe to diſpute, or ſhall not publiſh their Queſtions three Days beforehand, according to the Statute, the *Collectors* ſhall report their Names to the

the Proctors, for the immediate Puniſhment of this Offence; and if the *Collectors* ſhall be wanting in their Duty, either the Vice-Chancellor or one of the Proctors may mulct them in the Sum of 10 Shillings, to the Uſe of the Univerſity.

According to the antient Statutes of the Univerſity, all Perſons were obliged curſorily to read certain preſcript Books, before they became Licentiates in Arts; which Lectures being found by frequent Experience to be without any Benefit to the Readers or Hearers, all Proceeders are now bound to read ſix ſolemn Lectures in the publick Schools, between the Hours of One and Two in Term Time, *viz.* Three in *Natural Philoſophy*, and Three in *Ethicks*, without Borrowing or Tranſcribing from Authors, but purely of their own Compoſition; and each of theſe Lectures is to laſt above half an Hour.

Before any Perſon can proceed to a Batchelor of Muſick's Degree, he ought to ſpend ſeven Years in the Study or Practice of Muſick, and bring a Teſtimonial thereof under the Hands of credible Witneſſes; and before he can ſupplicate for his Grace towards this Degree, he ought to compoſe one Song of Five Parts, and perform the ſame publickly in the *Muſick-School*, with *Vocal* and *Inſtrumental* Muſick: And a Batchelor of Muſick, before he can be promoted to a Doctor's Degree in that Faculty, ought to ſpend Five Years, after taking a Batchelor's Degree, in the Theory or Practice of Muſick, and have a Teſtimonial as aforeſaid. For his Exerciſe, before he becomes an Inceptor in this Faculty, he ought to compoſe a Song of Six or Eight Parts, and perform the ſame as aforeſaid.

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A Student in the *Civil* Law, before he can attain a Batchelor's Degree in that Faculty, if he be a Maſter of Arts, ought to hear the publick Profeſſor thereof read for three Years after his Admiſſion to his Regency; but if he be a Student, who has not taken a Maſter's Degree, then he ought to have diligently attended the Reading of the publick Profeſſor for five Years compleat; and ſuch Student ought for two Years to apply himſelf to the Study of *Logick*, *Ethicks*, *Politicks*, and other Studies in *Humanity*, before he enter on the *Civil Law* Line, unleſs the Local Statutes of his College ſhall require him to apply himſelf to the Study of the Law ſooner. Every Student in Law, before he can ſupplicate for his Grace, in order to take a Batchelor of Law's Degree, ought to perform two Turns at Law-Diſputations, as principal *Opponent pro formâ*, *i. e.* as *firſt* or *ſecond Opponent*; and be once *Reſpondent pro formâ* in the Law-School, from One a Clock till Three in the Afternoon: and if there be no Perſon to be Opponent for this Degree, the publick Profeſſor himſelf may oppoſe, or his Deputy. For the Degree of a Doctor in *Civil* Law, a Perſon ought to hear the Profeſſor of Law read for four Years (if he has proceeded Batchelor of Law on a Maſter of Arts Degree) to be computed from the Time of his Admiſſion to his Batchelor of Law's Degree, before he can be an Inceptor in Law: But if he has only proceeded Batchelor of Law, then he ſhall be obliged to attend the Profeſſor's publick Lectures for five Years from his ſaid Batchelor's Degree, before he becomes a Doctor in Laws. Before a Batchelor of Law can be admitted to an Inceptorſhip in this Faculty, he ought publickly to read ſix ſolemn Lectures from One a Clock

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till Two each Day, therein explaining any Part of the whole Body of the Civil Law, as he pleaſes; or (at leaſt) three Curſory Lectures on ſome one Title in the *Code* or *Digeſt*, *viz. de Judiciis*, *de Probationibus*, or *de Re judicatâ*, explaining either of the ſaid Titles: And as for a Batchelor's Degree, the Queſtions ought to be fix'd up, together with the Names of the Diſputants, for ſeven Days before Diſputations, on each outer Gate of the Schools, and on the Walls of *All-Souls* and *Oriel College*, towards the Street: So likewiſe ought the Subject and Time of Reading for a Doctor of Law's Degree, to be fix'd up in the ſame Places for three Days beforehand.

By the antient Statutes of the Univerſity, a Student in *Phyſick* was not obliged to proceed Maſter of Arts, in order to acquire a Batchelor of *Phyſick*'s Degree; but was only to attend the publick Lectures in that Faculty for ſix or ſeven Years for the ſaid Degree; and if he was a Maſter of Arts, then three Years Attendance was accounted ſufficient: But now by this new Body of Statutes, he muſt be promoted to a Maſter of Arts Degree, and afterwards attend the publick Lectures in *Phyſick* for three Years, before he can arrive at a Batchelor of *Phyſick*'s Degree; and before he can have his *Grace* propoſed, he muſt be once *Reſpondent* and once *Opponent pro formâ*, from One a Clock in the Afternoon, on two Queſtions in *Phyſick*, in the School proper to this Faculty; and more than two cannot be *Opponents pro forma* the ſame Day. If there be no *Opponent* to diſpute for this Degree, the publick Profeſſor or his Deputy may be an *Opponent*; and the Queſtions, with the *Reſpondent* and *Opponent*'s Names, are to be fix'd up in the ſame Places as at Law-Diſputations.

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After a Batchelor's Degree, he is to wait four Years for a Doctor's Degree, and to read either ſix ſolemn Lectures from One a Clock till Two each Day, on any Part of *Galen*'s Works, at pleaſure, or three Curſory Lectures, by expounding ſome one of *Galen*'s Books, as *de Temperamentis, de differentiis Febrium, de uſu Partium, vel de locis affectis*; and before he begins to read either *ſolemnly* or *curſorily*, he is to fix up the Time and Subject of his Lectures three Days at the leaſt, in the ſame Places as a Doctor of Law is, *viz.* on the Corner-Walls of *All-Souls* and *Oriel College*, towards the Street, and on the two outer Gates of the publick Schools.

For a Batchelor of *Divinity*'s Degree, a Man muſt firſt become a Maſter of Arts, and then hear the publick Profeſſor in *Divinty* read for ſeven Years compleat, from the Time of his Admiſſion to his Regency; and before his *Grace* be propoſed for a Batchelor in *Divinity*'s Degree, he ought to be *Opponent pro formâ* twice, *i.e.* firſt and ſecond Opponent at Divinity Diſputations, and be once *Reſpondent pro formâ* from One a Clock till Three in the Afternoon in the *Divinity* School; and moreover, beſides theſe Diſputations, he ought for his Exerciſe to preach a *Latin* Sermon in St. *Mary*'s Church, of his own Compoſition, before he can be admitted to this Degree: But no one can preach this Sermon, unleſs he be in Holy Orders, and of five Years ſtanding Maſter of Arts. Four Years after he has been promoted to the Degree of a Batchelor, he may be admitted to be an Inceptor in *Divinity*, on reading in publick ſix ſolemn Lectures from One a Clock till Two each Day in the *Divinity*-School, on any Part of the Holy Scripture at pleaſure, or ſome one of

St. *Paul*'s Epiſtles to the *Galatians*, *Timothy*, *Titus*, or of St. *Peter*, by way of three curſory Lectures: And three Days before he begins to read either ſolemnly or curſorily, he ought to ſignify the Time when he will read, and the Subject on which he intends to expound, by affixing the ſame up at the proper Places for a Doctor of Law's Degree; and a Batchelor of *Divinity* ought to ſignify the Queſtions, together with the Agents Names, for ſeven Days before Exerciſes, at the Places proper for a Batchelor of Law's Degree.

The Time appointed for taking each of theſe Degrees being ſometimes expreſſed in Number of Years, and ſometimes in Number of Terms, it is provided (to prevent all Cavil) that whenſoever the Time appointed for any Degree is reckon'd by Years, the ſame Meaſure is reſolved into Terms, computing four Terms in each Year: as when three Years are requir'd, then 12 Terms are ſufficient; ſo when four Years are requir'd, then 16 Terms are enough, *&c.* In Degrees taken by Under-Graduates, their Time is computed from the Time of their Matriculation; and if any one be matriculated in the Vacation Time, it is reckon'd from the Term following his Matriculation; in Degrees taken by Batchelors of any Faculty, it is computed from the Time of their Preſentation to ſuch Batchelor's Degree; and in Degrees, preſuppoſing a Maſter's Degree, from the Time of their Admiſſion to their Regency: And becauſe few Perſons are commorant in the Univerſity for every Day in a Term, thoſe only ſhall be ſaid to keep the Terms, who are reſident in the Univerſity for a Month at leaſt in each Term of *Michaelmas* and *Hilary*, for three Weeks in *Eaſter* Term, and a Fortnight in that of *Trinity*;

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and frequent all the ſtatutable Exerciſe; except the Term wherein any one takes a Degree, the firſt Day of which, according to ancient Cuſtom, being reckon'd a compleat Term; and the Term of his Matriculation, the laſt Day being reckon'd an entire Term.

There is a general Commencement once every Year in all the Faculties of Learning, which is called the *Act* at *Oxford*, and the *Commencement* at *Cambridge*; which *Act* is opened on the *Friday* following the *7th* of *July*, and Exerciſes perform'd in the Schools on *Saturday* and *Monday* enſuing the Opening thereof; and alſo in the publick Theatre, with great Solemnity. On *Saturday*, in the Forenoon, all the Profeſſors and Lecturers read in the ſeveral Arts and Sciences, all cloathed in their proper Habits, as was heretofore uſual at the *Veſpers* or Evening Exerciſes; which are only now Diſputations in the ſeveral Parts of Learning, from One a Clock till Five in the Afternoon, the *Artiſts* Diſputations being had in the Theatre, and thoſe of *Divinity*, *Law*, and *Phyſick*, in their proper Schools. The Inceptors in Arts diſpute on three *Philoſophical* Queſtions; and one of theſe Inceptors (for ſo are the Maſters called, who ſtand for their Regency in this ſolemn *Act*) to be appointed by the *Senior* Proctor, has the Place of the *Reſpondent*: And firſt, the *Senior* Proctor oppoſes on all the Queſtions, and confirms an Argument on the Firſt; then the Pro-Proctor and *Terræ-Filius* diſpute on the Second; and laſtly, the *Junior* Proctor on the Third Queſtion; and all the Inceptors are oblig'd to attend theſe Diſputations from the Beginning to the End, under the Pain of 3*s.* 4*d.* At the equal Expence of all the Inceptors, there is a ſumptuous and elegant Supper at the College

or Hall of the *Senior* of each Faculty, for the Entertainment of the Doctors, called the *Act-Supper*. On *Sunday*, between the *Veſpers* and the *Comitia* (for ſo are the Exerciſes of *Saturday* and *Monday* ſtiled) there are two Sermons in the *Engliſh* Tongue, at St. *Mary*'s Church, preach'd by any one of the Inceptors, as the Vice-Chancellor ſhall appoint, being Doctors of *Divinity*, in this *Act*. On *Monday*, at Nine a Clock, all the Inceptors go with the Beadles of their ſeveral Faculties to St. *Mary*'s, and there, after Prayers at the Communion-Table, make Oblations; and if any Perſon ſhall abſent himſelf, or be irreverently preſent, he ſhall be mulcted five Shillings, and moreover puniſh'd at the Vice-Chancellor's Pleaſure. Then the Comitial Exerciſes beginning, the *Senior* Proctor mounts the Pew on the *Weſt* Side of the Theatre, and the *Junior* Proctor the Pew oppoſite to him on the *Eaſt* Side. The Profeſſor of Phyſick, with his Inceptors, on the *Weſt*; and the Law Profeſſor, with his Inceptors, on the *Eaſt* Side thereof; and the Divinity Profeſſor, with his Inceptors, on the *North* Side, under the Vice-Chancellor; and the Inceptors in Muſick, with their Profeſſor in the Muſick Gallery, on the *South*; and at theſe *Comitial* Diſputations, the ſame Method is uſed in reſpect of the Agents, as at *Veſpers*, *viz.* firſt, the *Senior* Proctors; then the *Terræ-Filius*, and Pro-Proctor; and laſtly, the *Junior* Proctor; and he who was Reſpondent the Year before, is the *Magiſter Replicans* this Year. The firſt *Opponent* among the Inceptors has a Book given him, at the End of Diſputations, by the *Senior* Proctor (who, in reſpect of the *Artiſts* Inceptors, is called *Father* of the *Comitia*) and is alſo created Maſter by a Kiſs, and putting on his Cap. After the

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Comitial Exerciſes in Arts are ended, if there be any Perſon taking a Muſick Degree, he is to perform a Song of Six or Eight Parts on *Vocal* and *Inſtrumental* Muſick, and then he ſhall have his Creation from the *Savilian* Profeſſors, *&c.* After the performing of the Exerciſes, and the Creation of Doctors, according to a preſcript Form in each Faculty, the Vice-Chancellor cloſes the Act in a ſolemn Speech; wherein it is uſual for him to commemorate the Tranſactions of the Year paſt, and eſpecially ſuch Benefactions as have been given to the Univerſity: And after the End of the *Act*, the Vice-Chancellor, with the Regents of the foregoing Year, immediately aſſemble in the Congregation-Houſe; where, at the Supplication of the Doctors and Maſters newly created, they are wont to diſpenſe with the wearing of *Boots* and *Slop Shoes*, to which the Doctors and Maſters of the *Act* are oblig'd, during the *Comitia*. On *Tueſday* after the *Comitia*, a *Latin* Sermon is preach'd to the Clergy, at Eight in the Morning in St. *Mary*'s Church; the Preacher to be either ſome Doctor, or Batchelor in *Divinity*, and of the Vice-Chancellor's Appointment, with a *Pre-monition* for this End from the Vice-Chancellor for three Months before hand. The Queſtions to be diſputed on in each Faculty, are to be approved by the Congregation of Maſters ſome time before the *Act*; and becauſe that *Civilians* ought to know the Differences between the *Civil* and our own *Municipal* Laws, one of the Law Queſtions ought to have ſome Affinity with the *Common* Law of *England*, wherein the Profeſſor, by a ſhort Speech, ought to ſhew, what the one and what the other Law maintains. If any Contumelious, Reproachful, or Defamatory Language be given in any Speech

or Argument at Diſputations, the Vice-Chancellor may convene the Perſon before him, and command a Copy of his Speech; and if he pretends that he has no Copy, he may convict him by Oath, and puniſh him according to the Heinouſneſs of the Offence, in reſpect of Perſons and other Circumſtances, either by publick Recantation, Impriſonment, or Baniſhment from the Univerſity, as a Diſturber of the publick Peace; beſides the Satisfaction he is oblig'd to make to the Party injur'd: So that there is not that Licence given for an impudent Buffoon, of no Reputation in himſelf, called a *Terræ-Filius*, to ſport and play with the good Name and Reputation of others; but the Buſineſs of this *Terræ-Filius*, is a ſolemn and grave Diſputation. And altho' this manner of ſportive Wit had its firſt Original at the Time of the Reformation, when the groſs Abſurdities and Superſtitions of the *Roman* Church were to be expoſed, and ſhould have been reſtrain'd to Things, and not have reach'd Mens Perſons and Characters; yet it has ſince become very ſcandalous and abuſive, and in no wiſe to be tolerated in an Univerſity, where nothing ought to appear but Religion, Learning, and good Manners. In the Faculties of *Divinity*, *Law*, and *Phyſick*, every one takes place, according to the Order of his Preſentation or Admiſſion, to be an Inceptor in theſe Sciences, and ſhall keep the ſame for ever afterwards; only *grand Compounders* have the Precedence of all others of the ſame Year: But Inceptors in *Arts* have their Seniority according to the Proctors Diſcretion, unleſs they be *grand Compounders*, who have Precedence as aforeſaid. Yet it is provided, that this Diſpoſition ſhall not prejudice Fellows of Colleges in reſpect of their Seniority, but that

that the ſame be governed and diſpoſed according to the Seniority which they bear in their reſpective Colleges, according to the Local Statutes thereof.

The *ordinary* Diſputations in *Divinity*, ſhall be had ten times a Year in the *Divinity*-School, *viz.* on the firſt and laſt *Thurſday* in every full Term, on the *Thurſday* before the firſt *Sunday* in *Advent*, and alſo the *Thurſday* immediately preceding *Lent*; which Day, if a Holiday, then Diſputations ſhall be had the Day following: And all Batchelors in *Divinity*, of what ſtanding ſoever, as well as Maſters of Arts (unleſs Proctors of the Univerſity, or publick Profeſſors of Arts) are obliged to perform theſe Diſputations, as ſoon as they have compleated four Years from the time of their Regency, whether they live in Colleges or Halls, unleſs it does notoriouſly appear, that they are oblig'd to the Studies of *Law* or *Phyſick* by the Local Statutes of their College for a Year (at leaſt) before they have receiv'd any Monition to *anſwer*, or *oppoſe* at theſe Diſputations; which may evidently appear by their entring their Names in the Beadle's Book. At theſe Diſputations, the *Senior* Batchelor or Maſter, is *Reſpondent*, and the two next downwards in Degree, after the *Regius* Profeſſor (who is Moderator here) are Opponents, and ſo on, till they have all had their Turns; and then they revert to the *Seniors*. The two Queſtions to be here diſputed on, from One a Clock till Three in the Afternoon, are to be approved by the next Congregation enſuing the Date of the Monition; and all Batchelors of *Divinity*, and Maſters of *Arts* of two Years ſtanding from their Regency, who have not apply'd their Studies to any other Faculty, are bound to be preſent.

The *ordinary* Diſputations are only had twice every Year in *Phyſick*, *viz.* on the firſt *Tueſday* in *Trinity* and *Hilary* Term; at which Diſputations, all Batchelors and other Students in *Phyſick*, on the *Phyſick*-Line, and privileged Perſons, are Agents; except the Proctors of the Univerſity, and the publick Profeſſors of *Arts*: And the *Senior* of theſe is the *Reſpondent*, and the other two are *Opponents*, according to the Courſe and Method of *Divinity* Diſputations; whereat all Batchelors and Students in *Phyſick* are oblig'd to attend.

The *ordinary* Diſputations in the *Civil* Law (called Diſputations *pro Termino*) are alſo had but twice a Year, *viz.* on the laſt *Tueſday* of *Eaſter* and *Michaelmas* Term; at which Diſputations, all Batchelors of *Law*, and Perſons of Batchelors ſtanding, being Students in the *Law*, are to bear their Turns in the ſame Courſe and Manner as at *Phyſick* Diſputations, the Proctors and Profeſſors excepted as aforeſaid: And at theſe Diſputations, all Batchelors of *Law*, and Students in that Faculty, are to attend and frequent the ſame.

The ſuperior Beadle in each Faculty, is to give the Agents notice hereof for ſix Weeks before the Day of Diſputations, unleſs it be at *Quodlibets*; and there ſeven Days is ſufficient notice: This Premonition ought to be perſonal (if poſſible;) and if they cannot be perſonally ſummon'd, then by affixing up the Summons ſubſcribed with the Beadle's Hand thereunto, at their Chamber-Door, or at the College-Gate, or at the Buttery-Door, if the Perſon or Perſons retain no Chamber, or Part of a Chamber, in the College or Hall, but have, notwithſtanding, their Names written in the Buttery Book, and enjoy the Privileges of the Univerſity.

verſity. Theſe Monitions the Beadles ought to ſerve in their own proper Perſons, or (at leaſt) by the *Yeomen* Beadles, in a Caſe of Self-impediment, and by no other Perſon or Perſons; for that ſuch a Monition is not duly ſerved, and the Perſon thus admoniſhed may well refuſe to diſpute; and the Beadle ſhall be puniſhed for his proud and haughty Neglect of his Service and Duty. This method of ſerving theſe Monitions is altogether new, and was unheard of in former Times, when the Beadles were better acquainted with Humility, and the true Drudgery of a Beadle's Service: But now Fellows of Colleges becoming Beadles, to the great Diſhonour of their Founder's Charity, and the Scandal of Learning, they are almoſt grown too big for the Duty of ſo mean an Office or Employment, tho' they ſcruple not to receive the Profits thereof even to the utmoſt Extent: And, upon Information, if the Beadles learn, that the abſent Perſon will not be preſent, probably, at Diſputations, at the Time appointed, or have any Knowledge of ſuch Diſputation from the Butler, they ought to report the ſame to the Vice-Chancellor, under the Pain of 10 Shillings, that no Diſputations be omitted for want of premoniſhing the next in Courſe. Theſe Monitions were always, in ancient Times, ſubſcribed by the Vice-Chancellor, and ſealed with the leſſer Seal of the Univerſity, and ſo, I think, they ought to be at preſent, however unwarily left out of the Statute by the new Compilers thereof: For it is abſurd, to call that a Monition, which is given by ſo inferior a Perſon as a Beadle is to a Maſter of *Arts*, Batchelor of *Divinity*, *&c.* The *Reſpondents* in *Divinity*, *Law* and *Phyſick*, ought to ſhew their Queſtions to the Profeſſors within

within two Days after the Congregation have approv'd of them; and fix them up ſeven Days before Diſputations on the outer Gates of the Schools, and on the Corner of *All-Souls* and *Oriel*-College Walls, next to the Street. At all theſe Diſputations, the Agents are cloathed in their proper Habits, and as ſuccinctly (as poſſible) expound and give a State of the Queſtions to be diſcuſs'd; wherein the *Reſpondent* ought not to exceed Half an Hour, and the *Opponent* a Quarter, the Remainder of the Time is to be ſpent in Argumentation. At all theſe *ordinary* Diſputations of *Divinity*, *Law*, and *Phyſick*, the Vice-Chancellor is obliged to be preſent; and at *Quodlibets*, the Proctors, or their Deputies, or one of them, to ſee that theſe Diſputations are duly performed, and that the proper Perſons do attend the ſame; and if occaſion be, to call Names for the abſent Perſons, by the Mouth of the Beadle. If any of theſe Diſputations ſhall be wholly omitted, the Perſon, thro' whoſe Default it happens, if he be an *Opponent*, and does diſpute, either by himſelf, or his Subſtitute, ſhall be mulcted in the Sum of 20 Shillings; and if he be a Moderator, or *Reſpondent*, then in the Sum of 40 Shillings; and if the Beadle ſhall not give due and proper Notice to the Agents, or the *Reſpondents* do not formally fix up the Queſtions, then in the Sum of 10 Shillings; and if the Diſputation ſhall be omitted, he, thro' whoſe Default it happens ſhall (beſides his Mulct) be obliged to make good his Turn another time, under the ſame Penalty, unleſs the Vice-Chancellor ſhall excuſe him: The Mulcts for theſe Offences are equally divided between the Univerſity, Vice-Chancellor, Proctors, and Beadles of the reſpective Faculty into four Parts.

Parts. Yet the Vice-Chancellor, for juſt and good Cauſes, may ſuffer theſe Diſputations to be omitted, or give leave to ſome fit Perſon to ſupply the Turn of the Agent in his neceſſary Abſence; and, if he thinks fit, impoſe a Neceſſity on ſome proper Perſon of ſupplying this Turn under the like Penalty.

According to antient Cuſtom, Graces or Supplications for Degrees are propoſed and granted in the Congregation of Regent Maſters, except it be for the Fellows of *New College*, who have their Graces given them in their own Houſe by a certain Privilege: And here are all Diſpenſations ask'd in Matters diſpenſable by the Congregation, that fit Perſons may be admitted to Scholaſtical Degrees, and alſo that Men recommended by other Univerſities may be incorporated, and according to Cuſtom be licenſed in each Faculty. This Congregation now, as antiently, conſiſts of the Chancellor or Vice-Chancellor, the two Proctors or their Deputies, and of ſuch Maſters as are *neceſſary* or Regents *ad placitum*: And nothing can be decreed in this Aſſembly, to which the Chancellor or his Vice-Chancellor, both Proctors or their Deputies, or the major Part of the Maſters preſent (whoſe Number ought not to be leſs than Nine) do not conſent; but ought to be taken for not granted, if either the Chancellor or his Deputy, or the two Proctors or their Deputies, or the major Part of the Maſters diſſent; unleſs it be in Elections, which are to be made freely, according to antient Cuſtom, by the major Part of the Voters.

By a received Cuſtom, immediately after the End of the *Act* every Year, the Maſters of *Arts*, and Doctors in *Divinity*, *Law*, and *Phyſick*, on the ſolemn Day of their Creation ſupplicate to be

be admitted into the Congregation Houſe, and to their Regency in each Faculty, *i. e.* to all and every Act of their neceſſary Regency, before the third Congregation, unleſs ſome grievous Crime be objected to them, which may draw a Scandal on the Univerſity; and if they be deferr'd any longer, the Chancellor or his Locum-tenent may ſummon and admit them thereinto by his own proper Authority: Which Doctors and Maſters are neceſſarily Regents for two Years, unleſs they be diſpenſed with for the ſecond Year's Regency (as uſual) after the Creation of other Doctors and Maſters the next *Act*, and admitted to their Regency in the like manner in the Congregation: Then the Doctors and Maſters, admitted to their Regency, take an Oath not to reveal the Secrets of that Houſe, and alſo ſwear, that they will not promote unfit Perſons, nor hinder thoſe who are fit, from proceeding to their Degrees, *&c.* Every Maſter, for this Admiſſion, pays 12 *d.* to the Regiſter, and 4 *d.* to the Beadle of his Faculty; and a Doctor gives 12 *d.* to be diſtributed among the Poor, at the pleaſure of the Vice-Chancellor and Proctors. All publick Profeſſors and Lecturers, Royal as well as others, are accounted Regents *ad placitum*; ſo are all Reſident Doctors, of what Faculty ſoever, and all Heads of Colleges and Halls, who have been for ſome time Regents in Arts, and (in their Abſence) their Deputies; all Maſters of Schools, and Deans and Cenſors of Colleges, together with all Maſters during the 2*d* Year of their Regency, if they are diſpens'd with for the 2*d* Year of their neceſſary Regency, as aforeſaid.

Every Student, before he is admitted to ſupplicate for his Grace, ought to undergo the Examination of certain Regent-Maſters; and

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leſt that the Number of Candidates for this Examination ſhould grow burthenſome to the Examiners, there cannot be more than Six examined in one Day; and the Senior Proctor has the Power of appointing the Day for this Examination, by a Writing under his Hand, provided he aſſigns to every ſix Candidates diſtinct Days, and regiſters their Names, with the Day aſſigned them, in a Book ever kept by the Proctor. Every Perſon to be examined, after the Proctor's Aſſigment of a Day, immediately ought to acquaint the Examiners therewith; and the Day before his Examination, he ought to fix up his Name, Houſe, and the Degree which he ſues for, on the Schools-Gates, and on *All-Souls* and *Oriel* College Walls, as aforeſaid. The Proctor may aſſign any Day for theſe Examinations, either in Term or out of Term (if the Number of Candidates require it) with this *Proviſo*, that it be no *Holy-day*; and the Place appointed for this Examination is the *Natural-Philoſophy-School*; and the Hour for the ſame is from Nine in the Morning to Eleven; and again, from One in the Afternoon, as long as the Examiners think fit, if they will proceed to a ſecond Examination. The Arts and Sciences they are examin'd in, are thoſe in which they are bound to have heard Lectures; and in thoſe Authors, which publick Lecturers are obliged to read to their Auditors; rejecting ſome of the Moderns: And they are not only to be examin'd in *Philoſophy* (the great Learning of the paſt Age) but alſo in *Philology*, and particularly in their Knowledge of the *Latin* Tongue. The *Senior* Proctor, after Aſſignment of a Day for Examinations, appoints three Maſters to examine the Candidates, and adminiſters an Oath to the Examiners for the juſt and due Examination

nation of them; and when the Day appointed is come, the Senior Examiner begins to examine the Senior Candidate, at the Time and Place aſſign'd; and after he has done his Examination, the next Examiner proceeds to the next Candidate, and ſo onwards till they have done; but any Examiner may ask a Queſtion out of his Courſe if he pleaſes, yet with this Caution, that whilſt one examines, the others are ſilent; and when they have all finiſh'd their Examinations, they then give the Candidates a Teſtimonial of their good liking, if they deſerve it, under a certain Form.

If any one ſhall neglect this Office of an Examinant, or refuſe to take the Oath, or examine without Swearing, or neglect to appear on the Day and Place appointed, or be preſent and not examine, or not according to the ſtatutable Appointment; or laſtly, give a Teſtimonial to a Perſon whom he has not examined nor heard, ſuch Offender ſhall immediately be mulcted in the Sum of 40 *s.* to the Uſe of the Univerſity; and if he ſhall be contumacious, he ſhall be deprived of his Maſter's Degree, and be made uncapable of proceeding to any other Degree; and if the Proctor does not give this Oath, he ſhall be puniſh'd at the Vice-Chancellor's Diſcretion: And that theſe Statutes about Examinations may be obſerved inviolably, the Vice-Chancellor is oblig'd to attend them twice, and the Proctors four times at leaſt every Term.

No Grace can be propos'd, or Diſpenſation ask'd for any Degree, unleſs the Perſon be of ſome College or Hall, who ſues for the ſame, and has his Name written in the Univerſity-Regiſter, from the Time of his Matriculation, and has alſo compleated all the Terms requiſite for ſuch Degree; and in the Congregation even

even all Graces and Diſpenſations muſt be propos'd by one of the Proctors, or ſome other Maſter, with the Vice-Chancellor's Leave; and no Perſon herein ought to vote for any Reward, or on any Promiſe thereof, on Pain of being made uncapable of proceeding to any further Degree, if convicted; and the ſame Penalty is inflicted on the Candidate, who is to ſtand in the *Proſcholium* or *Pig-market*, vulgarly ſo called, during the whole Time of the Congregation, *nudato capite*, until his Grace be either granted or denied. Before the Candidate's Grace can be propos'd in the Congregation, the Teſtimonial of the Maſters, who examin'd him, ought to be publickly read in the Houſe; and if he be a Non-Commorant who ſues for a Degree in any of the ſuperior Faculties, none ſhall propoſe his Grace under the Pain of Perjury, unleſs he brings with him Letters Teſtimonial, ſigned by the Biſhop of the Dioceſs where he lives, and ſhewing his Conformity to the Doctrine and Diſcipline of the Church of *England*, which are to be publickly read in the Congregation. I will not here recite the Forms of ſupplicating for Graces, becauſe they are almoſt all the ſame, with little Variation, in regard of the ſeveral Degrees ſued for; only I ſhall add, that more Graces than one ought not to be prayed for at one and the ſame Time; but the Chriſtian and Sur-Name of every Supplicant ought to be diſtinctly and ſeverally read; and that the ſame Grace ought not to be propoſed more than once in the ſame Congregation; and if a Grace be once denied, it ought to be propoſed in the very next Congregation, until it be wholly denied or granted. After a Grace has been propos'd by the Dean of the College, or ſome other Maſter thereof, ſtanding in the middle of the Houſe,

Houſe, the Proctors riſing out of their Seats, firſt receive the Vice-Chancellor's Vote by way of Scrutiny, and then the Suffrages of all the Regent Maſters preſent, by the Word *Placet* or *Non Placet* being whiſper'd into their Ear; and if they find the Grace granted on their comparing Notes, the Proctor pronounces it either *ſimply* or *conditionally*; and if it be denied, the Proctors return to their Chairs, and are ſilent for the firſt three Times, but the fourth Time it is declared to be denied, and the Maſter Supplicant returns to his Place. The Proctors are by Virtue of their Oaths bound not to reveal the Perſon or Perſons who grant or deny a Grace; and if any other Perſon ſhall diſcover the ſame, and publiſh it, he ſhall be expelled the Congregation-Houſe; and if any Regent ſhall demand or receive any Gift or Preſent (mediately or immediately) for the granting of a Grace, or denying the ſame, he ſhall ſuffer the like Puniſhment, and forfeit double the Value thereof to the Uſe of the Univerſity.

The ancient Statutes of the Univerſity gave the Regent Maſters the Liberty of denying any Perſons Grace thrice *pro arbitrio, i. e.* without aſſigning a Reaſon for ſo doing; but by the preſent Statutes, if any Grace be denied thrice, the third Time the Perſon denying it muſt the ſame Day give his Reaſons for ſo doing into the Hands of the Vice-Chancellor and Proctors, with the Proof thereof; who are obliged in the next Congregation to publiſh the Cauſe and Evidence thereof, but ought to conceal the Name of the Perſon objecting the ſame; and if the Reaſon ſhall be adjudged juſt and reaſonable by the Vice-Chancellor, Proctors, and the major Part of the Regents, the Grace ſhall ſtand denied; and the Perſon ſupplicating ſhall be uncapable

capable of ſupplicating for a whole Year again: And if the Cauſe alledged be inſufficient, the Grace, on a fourth Propoſal of it is granted, unleſs it ſhall be denied by the Vice-Chancellor, Proctors, and major Part of the Regents, for ſome other Cauſe.

There are ſome juſt Impediments which may hinder a Perſon from doing all things requiſite to his Degree, according to the Form of the Statutes; and therefore in ſuch Caſes the Congregation is wont ſometimes to diſpenſe with ſome Perſons in Matters diſpenſable by Congregation: But this is a Grace which has done much Miſchief to the Univerſity, by the ſad Abuſe of it.

The Maſter, who reads the Supplication for a Diſpenſation, has firſt Leave of the Vice-Chancellor and Proctors for ſo doing; and then he reads a Schedule, containing the Reaſon of ſuing ſuch Diſpenſation, with the Name and Condition of the Supplicant, and of the College or Hall where he is commorant: To which Petition, if the Vice-Chancellor, both the Proctors, and the greater Part of the Regents then preſent, do conſent, it is taken for granted; and the Proctor pronounces a Diſpenſation granted after the ſame Manner as he is wont to pronounce Graces granted. The Congregation may diſpenſe with the Abſence of two Terms for a Batchelors Degree, and three for a Maſter's; for going into the publick Library, for want of diligent attending publick Lectures; that Terms kept in another Univerſity may be reckon'd as kept in this; for omitting Circuiting and Viſiting; for Circuiting the Day before the Term begins; for a Grace to be propoſed by a Maſter of another Houſe, if there be no Maſter of the ſame Houſe preſent; that a Grace

ſhould be good, tho' not regiſtred within Congregations; that a Grace granted the fore-going Year ſhould be good; that the anſwering a Second Time Under-Batchelor in *Lent*, ſhould be in the Place of anſwering at *Generals*, or in the *Parviſe*; that a Grace granted to a Batchelor *modo determinaverit proximâ Quadrageſimâ* may be good, and be had as pronounced *ſimpliciter*; that a Batchelor abſent on *Egg-Saturday* may be preſented to determine the ſame *Lent*, in caſe of Sickneſs or extreme Neceſſity; and if a Batchelor be hindred from determining the *Lent* paſt, on the ſcore of Sickneſs or otherwiſe, that he may be allow'd to determine the *Lent* following; that *Gracious* Days be given in *Lent*; that a Perſon to be preſented to a Doctor of Law or Phyſick's Degree (for want of Doctors) may uſe the Depoſitions of Senior Batchelors or Inceptors in theſe Faculties; that a Compounder, inſtead of Scarlet may uſe the Black and uſual Habit; that the Doctors and Maſters may put off their Boots and Slop-ſhooes after the End of the Act; that the *Cantabrigians*, or Students in any other Univerſity, may be in the ſame State here as the *Oxonians* are with them; that the Term be prorogu'd, *&c.*

After his Grace is granted, every Perſon to be preſented to a Degree (according to ancient Cuſtom) firſt of all waits on the Vice-Chancellor, cloathed in his proper Habit, and following his Preſentator or Dean, bareheaded, with the Beadles (or one of them at leaſt) going before him; and if he can meet with the Vice-Chancellor, the Dean, in a certain Form of Words, ſupplicates his Preſence at a Congregation the next Day, that he may preſent his Scholar or Batchelor to his Degree: And from the Vice-Chancellor they immediately

ly go to the Senior and then to the Junior Proctor, (before the Sun ſets) and ſupplicate them almoſt in the ſame manner. If any Perſon be to be preſented to an Inceptorſhip in Arts, he ought to depoſite with the Vice-Chancellor 40*s.* as pecuniary Caution for his commencing the next Act; and if he be of an indigent Condition, *Fide-juſſory* Caution ſhall ſuffice, two Fellows of a College becoming Sureties for his Appearance thereat, and that he will immediately after the Act take Care to be admitted to his Regency; and if he ſhall fail in either of theſe Points, his Caution is immediately forfeited to the Univerſity: But if he commences, and be admitted to his Regency, the Vice-Chancellor ſhall notwithſtanding retain his Caution, till he has compleated the Year of his neceſſary Regency; that he may deduct from thence in caſe of any Mulct on the Score of Inceptorſhip or Regency, and then at the Years End reſtore the reſidue. If the Perſon to be preſented be a *Compounder*, he waits on the Vice-Chancellor and Proctors in a more ſolemn manner, *viz.* with the *Virger*, all the *Beadles*, and the Chief *Library-Keeper*, before him: And this waiting on the Vice-Chancellor and Proctors is called *Circuiting*, as the going round of Batchelors of Arts, from College to College, and from Hall to Hall, for a Maſter's Degree, is called *Viſiting*, who are obliged to enquire after *Viſitable* Maſters therein, *i. e.* ſuch as are not within three Years, and not above ſeven Years ſtanding Maſters; and if they find any, they are to ſubmit themſelves to their Oppoſitions, and to pray them to be preſent at their Depoſitions: And if any Maſter, upon Examination, ſhall find the Perſon to be preſented, unfit for his Degree in point of Learning, and ſhall make a Report thereof to the

Vice-Chancellor and Proctors, they ought to delay his Preſentation, until he has undergone a publick Examination in the Congregation-Houſe, whether fit for his Degree or not? Otherwiſe the Vice-Chancellors and Proctors ought not, on any private Suggeſtion to oppoſe his Preſentation or Admiſſion, unleſs he has committed any Crime ſince his Grace was given him, or has manifeſtly done any thing that deſerves a Denial. On the Preſentation-Day, immediately after the Ringing out of the great Bell, the Perſon or Perſons to be preſented (if there be many Candidates) in a publick Preſentation, make a ſolemn Proceſſion, walking from their College or Hall to the *Apodyterium* of the Congregation-Houſe, attended with the Head and all the Members of ſuch College or Hall, in their proper Habits, having one of the Beadles before them, and the Dean immediately after theſe Candidates or Candidate; and if ſuch Candidate be a *Cumulator*, (*i. e.* a Compounder) then the Vice-Chancellor and Proctors, with the Chief Library-Keeper, (in the room of the Univerſity-Chaplain) and all the Beadles and Virger accompany him to the Place of Preſentation. 'Tis uſual for every Doctor and Batchelor in Phyſick, at the Time of their Preſentation to their reſpective Degrees, to be thus attended to the Congregation-Houſe by all the Doctors, Batchelors, and Students in Phyſick, then preſent in the Univerſity, together with the Beadle of their Faculty; and on this Account the Perſon preſented gives each of them Gloves, according to a certain Rate among them, as three Pair to a Doctor, two to a Batchelor, and one to a Student in Phyſick.

But the Fellows of *New College* are eſpecially oblig'd, all of them, upon taking a Degree, by their

their Founder's Statutes, to proceed in this ſolemn manner of a publick Preſentation, for the Honour and Magnificence of the Society. When the Perſon or Perſons to be preſented come into the *Apodyterium* near the Congregation-Houſe, they are each of them to ſubſcribe the 39 *Articles* of Religion confirm'd at *London*, 1564. (having firſt read them himſelf, or heard them read by another, in the Preſence of his Preſentator) and alſo to the three Articles contained in the 36*th* Canon, being firſt publickly read there in the Preſence of the Proctors. It is cuſtomary for ſuch as are to be preſented to a Doctor's Degree in the *Civil* Law, immediately after the aforeſaid Subſcription, to go from the *Apodyterium* to the *Civil* Law School, with the Profeſſor, and their Deponents (vulgarly call'd *Scio's*) with the Beadle before them; and there they depoſit a Purſe of Money, conſiſting of Gold and Silver, above the Sum of 6 *l.* 13 *s.* 4 *d.* and then the Profeſſor gives them an Oath, that they do not know the juſt Quantity of the whole Sum, and that they will not complain or make any Words about the Sum taken from thence by the Profeſſor, and their *Scio's* or *Deponents*: This done, the Remainder is put up into the Purſe again, and return'd into the Hands of the Perſons to be preſented; which Cuſtom is ſtiled *Nemo ſcit.* Hereupon the Vice-Chancellor, Proctors, and Regent Maſters, go into the Congregation-Houſe, and taking their Places, the Preſenters of each Faculty, according to the Dignity of the Faculty (on a Preſentation to the ſame Degree in different Faculties) make their Preſentation in a certain Form of Words; but if the Perſons to be preſented are all of the ſame Faculty, then the Preſentation is according to the Seniority of the

Preſenter, who leads his Man into the Houſe by the Hand, with a Beadle before him, and reverently repeats the Form of Preſentation. After the Form of Preſentation is over, the Perſon preſented goes up to the Proctor, and ſtands at the Right Hand of the Houſe till all the Candidates are preſented, and then the Senior Proctor atteſts their aforeſaid Subſcription in a Form of Words. Beſides the Teſtimony which every Preſenter gives of his Candidate in each Faculty, there are the Depoſitions of others of the ſame Faculty requir'd, who are of the ſame Degree with the Perſon preſented, *viz.* For a Perſon preſented to a Batchelor of Arts Degree, Nine Batchelors of Arts are requir'd to *depoſe* or *ſcio*, who have compleated their *Lent-Determinations*; theſe always *depoſe* or *ſcio* in the *Apodyterium* on their Knees before the Proctors, e'er the Vice-Chancellor and Proctors enter the Houſe, the Vice-Chancellor giving them the ſame Oath as to other *Scio's*; and on their Depoſitions, that the Perſon is fit for his Degree, he is admitted thereunto, otherwiſe he is put by for a Year. For a Perſon preſented to an Inceptorſhip in Arts, the Depoſitions of Nine Maſters are alſo requir'd, to whoſe Oppoſitions the Perſon preſented has ſubmitted himſelf: For a Perſon preſented to a Batchelor of *Civil* Law's Degree, Three Batchelors in the ſame Faculty; who if they have not been Inceptors in Arts, *depoſe* or *ſcio* in the *Apodyterium*, as Batchelors of Arts do; for Batchelors of *Civil* Law, unleſs they are Regents in Arts, cannot go into the Congregation-Houſe to *ſcio* for any one, and much leſs to preſent any one. For a Perſon preſented to a Batchelor of *Phyſick's* Degree, three of the ſame Faculty; and for want of them three Maſters of Arts, being Stu-

Students in *Phyſick*: For a Batchelor in *Divinity*, three Batchelors of the ſame Faculty: For an Inceptor in *Muſick*, *Phyſick*, *Law* and *Divinity*, three Doctors in each of thoſe Faculties; and for want of ſuch, then by the Permiſſion of the Congregation, three Maſters of Arts for an Inceptor in *Muſick*; and three Batchelors in each Faculty for an Inceptor in *Divinity*, *Law*, and *Phyſick*. All theſe *Scio* on their Knees alſo, and the Proctors receive their Depoſitions in a Schedule; and then the Proctors ſeverally leaving their Chairs to other Maſters, fall down on their Knees and ſwear, that they have done faithfully in this Scrutiny; and if, on the Proctor's Report to the Vice-Chancellor, the Number of *Scio*'s be juſt and compleat, the Candidate is admitted to his Degree; otherwiſe he is put by for a Year. Both the Vice-Chancellor and Proctors are not to reveal theſe Depoſitions in any way whatſoever, under the Pain of 10 *s. toties quoties*. After theſe Depoſitions are ended, the Proctors do ſucceſſively adminiſter ſeveral Oaths unto the Perſons preſented, *viz.* For the Obſervance of the Statutes, Privileges and Cuſtoms of the Univerſity; for the Preſervation of the Peace by themſelves and others, as much as in them lies; and that they will not reſume their ſolemn Lectures in any other Univerſity in *England*, than at *Cambridge*, *&c.* Then are they admitted to ſtudy in the publick Library, under certain Conditions and Limitations of doing no Damage to the Books, *&c.* and alſo admoniſhed to procure a proper Habit within 15 Days, to appear not only at School-Exerciſes, but alſo at Proceſſions, and other Univerſity Buſineſs. After the Junior Proctor has done with them, they apply themſelves to the Senior, who reads over to them ſuch a Portion of the Statutes as

concern the Degrees, to which they are ſeverally preſented, and then gives them the Oaths of *Allegiance* and *Supremacy*, with ſome others, *which are obſerved by conſcientious Men.* When the Proctors have done their Duty, every one of the Perſons preſented fall on their Knees before the Vice-Chancellor, who interrogates them on Oath, whether they can expend *de proprio* 40 *l. per Ann.* for Term of Life out of the Univerſity; (which Sum as to Beneficed Miniſters is reckon'd according to the Rate of their firſt Fruits in the King's *Liber Valorum*, and not according to the real and proper Value of the Thing rated) and if the Party preſented anſwers that he cannot; then he ſhall be ask'd, whether he can *de proprio* expend 5 *s.* and if he anſwers, *he can*; then he ſhall only pay for Wine. After this the Vice-Chancellor admits them all to their reſpective Degrees in a ſolemn Form of Words reſpecting each Degree and Faculty; whereupon they immediately depart the Congregation-Houſe, and put on the Habit proper to their Degrees; and then re-enter, and making their Reverence to the Vice-Chancellor and Proctors, they finally depart and go home; only the Batchelors of Arts go to the *Artiſts* Schools, accompany'd with their Dean and Beadle, where the Preſenter or Dean mounts the Chair with his Cap on, propounds three Queſtions to each of them, and recites ſome Verſes on each of theſe Queſtions; and after the Batchelors have read them alſo, he propounds an Argument on each of them, to which each Batchelor anſwers under this Form, *viz. Reſpondebit pro me Ariſtoteles proximâ Quadrageſimâ*; and then they return again to the Houſe with their Dean in their proper Habit, and reverently take Leave thereof.

By

By antient Cuſtom this Univerſity had a Power of Licenſing Preachers throughout *England*, and was wont to execute this Power by the Congregation of Regents: But to prevent the Abuſes thereof, it is decreed, That no Perſon ſhall ſupplicate hereafter for a Grace of this kind, unleſs he be a Maſter of *Arts*, a Batchelor of *Law*, or a Batchelor of *Divinty*, having each of them ſpent ſeven Years in the Study of *Divinity* in the Univerſity, and (at leaſt) once publickly *reſponded* at *Divinity-Diſputations*, either in the *Divinity*-School, or at the *Comitia*, and preach'd four laudable Sermons before the Univerſity, either in St. *Mary*'s or St. *Peter*'s Church, or in ſome College Chappel: And Graces for Licences to preach are propos'd as other Graces in the Congregation-Houſe, under a certain Formulary; which Graces, if granted, ſhall be pronounced by the Proctor after the ſame manner as other Graces; and then Letters Teſtimonial ſhall be made thereof by the Decree and Authority of the Congregation, under the publick Seal of the Univerſity, too long to be here inſerted.

Every Doctor of *Phyſick*, after his Admiſſion thereunto, may lawfully practiſe in all kind of *Phyſick*; but no other is ſuffer'd to practiſe thus at *Oxford*, unleſs he be a Maſter of *Arts*, and has taken a Batchelor of *Phyſick*'s Degree, and be admitted by the Congregation (according to Cuſtom) to practiſe: Nor ſhall any one practiſe Chirurgery within the Univerſity, without the Chancellor or Vice-Chancellor's Licence firſt obtain'd; and if any one ſhall preſume contrary hereunto, he ſhall not only be hinder'd from any further Degree, and loſe the Priviledges of the Univerſity; but alſo be puniſh'd as a Diſturber of the Peace, if he does not deſiſt

on

on a Monition. A Student in Chirurgery is admitted to practiſe throughout *England*, if he has been honeſtly and skilfully exercent therein for ſeven Years, and has gone through two Operations in Anatomy, and performed three Cures (at the leaſt) and be alſo approved of under the Hand-writing of the King's Profeſſor in Phyſick, and of one Doctor in the ſame Faculty, or of any three Doctors of *Phyſick* reſiding within the Univerſity, after the ſame manner as Batchelors of *Phyſick* are approved of; and then his Grace, on Supplication, is granted, with a Condition, that he cures *gratis* four poor Perſons (at leaſt) when requir'd thereunto; and thereupon Letters Teſtimonial are made for him, as aforeſaid.

Antiently the Election and Admiſſion of all Apothecaries at *Oxford* was in the Chancellor's Power, and ſo (I conceive) it is at preſent, tho' the new Statutes make no mention thereof: But the Approbation, or rather Examination of them, is in the College of Phyſicians at *London*. Apothecaries are deem'd in Law to be *inter perſonas inhonoratas*, and are ſo called *ab Apothecâ*, a Shop or Warehouſe for laying up things. The Inſtrument for the Admiſſion of Apothecaries ought to be read in the Congregation-Houſe, and ſeal'd with the Univerſity Seal, after ſuch Perſons are admitted, and have ſworn to the enſuing Articles, as one *David Styles*, an Apothecary, did in the Chancellorſhip of Arch-Biſhop *Warham*, before his Commiſſary, Dr. *Tho. Moſcroff*, and the Proctors of the Univerſity, *Sim. Bale*, and *Tho. Byſton*; *viz.* 'You 'ſwear, that you will always have in your 'Shop all Medicines, Species of Medicines, 'and Confections, which concern the Art and 'Myſtery of an Apothecary, and are neceſ-'ſary

Reg. H. fol. 165. *b.* 166. *a. A.D.* 1526.

'ſary for the Health of Man. *Item*, That you 'be contented once a Year (at leaſt) that cer-'tain Phyſicians practiſing in the Univerſity 'ſhould viſit your Shop upon the Account of 'good and bad Medicines, in the Month of '*November*, or at any other Time, if Occaſion 'ſhall require it, to be adjudged of by the Vice-'Chancellor, one of the Proctors and the Pra-'ctiſing Phyſicians here: and theſe Searchers 'and Tryers of Medicines being of the Vice-'Chancellor's and Proctors Appointment, ſhall 'have Power to deſtroy and throw away all bad 'and unprofitable Medicines and Druggs. *Item*, 'that you will ſell all Things appertaining to 'your Trade at a low and reaſonable Price, and 'as ſold in other Places in *England*. *Item*, 'That you will not make up any *Compound* Me-'dicines without the Preſence and Advice of 'ſome Phyſician admitted to practiſe, who 'ſhall judge thoſe *Simples* fit to be made up into '*Compoſitions*. *Item*, That you will obſerve all 'theſe Things without Fraud or Deceit, *&c.* *Reg. H. fol.* 166. *b.*

I have printed the Form of the Inſtrument in the *Appendix*, becauſe I find it no where elſe publiſhed.

After the Beadle has given Warning of a Convocation, all Doctors, Regent and Non-Regent Maſters, are oblig'd to come to the Convocation-Houſe, at the Hour appointed, in their proper Habits, and there to take their Places aſſign'd them. The Vice-Chancellor enters the Houſe with the Beadles before him, and having placed himſelf declares the Cauſe of this Meeting; and nothing is decreed or granted in this Aſſembly, unto which there is not the Conſent of the Vice-Chancellor, or both the Proctors, and the major Part of the Regent and Non-Regent Maſters: But Elections are all made

made and determined by the major Part of all the Suffragants, according to ancient Cuſtom, either by a private Scrutiny in Writing, or elſe publickly, by going on this and that ſide of the Houſe, or otherwiſe by a publick Scrutiny in Writing, as the Nature of the Buſineſs requires. And the Buſineſs of this Houſe is to make, abrogate, interpret and moderate, all Laws and Statutes made thereby, to grant Diſpenſations and Preſentations to Benefices, to examine and paſs Accounts, to demiſe Lands, to write Letters to Great Perſonages, to degrade Criminals, *&c.* But this Houſe can neither abrogate nor interpret Statutes made and confirm'd by Royal Authority, without ſpecial Licenſe thereunto had from the Crown. Before the making of any Law, or the Explanation of any Statute is had, the Vice-Chancellor lays the ſame before the Heads of Houſes at their *Hebdomadal* Meeting; and as ſoon as they can prepare and agree on the ſame in a Form of Words, the Proctors report it to the Congregation in the Terms agreed on by the Heads of Houſes; and then in the following Convocation it is publickly read by the Regiſter, in the ſame Form as it was propos'd to the Congregation; and when the Vice-Chancellor, Proctors, and the major Part of the Regents and Non-Regents have agreed on the Terms and Form thereof, it is publickly read by the Regiſter in the ſaid Terms, and then put to the Vote of the Convocation, whether it ſhall paſs or not; but it has no Force until 30 Days after Publication thereof.

There are many Things with which the Convocation may diſpenſe; and many with which it cannot diſpenſe: And firſt, if the Local Statutes of any College be repugnant in any Reſpect to the Statutes of the Univerſity, the Members

of

of ſuch College are *ipſo jure* diſpenſed with the Obſervation of ſuch Statutes of the Univerſity, without any further Supplication or Petition. 2*dly*, If there be any Students, who have been formerly of this Univerſity, and having applied themſelves to the Study of *Divinity* for 15 or 16 Years, to be reckon'd from the Time of their Regency, at 30 Miles Diſtance from the Univerſity, and are of good Learning and Integrity, they may take their further Degrees by *Accumulation*, after doing of Exerciſe for them. 3*dly*. The Convocation may give Degrees to Biſhops and Noblemen, (*Honoris gratiâ*) without Performance of Exerciſe for them. 4*thly*, The Convocation may approve of Deputies and Subſtitutes for the *ordinary* Lectures and Diſputations. And laſtly, it may diſpenſe with all Matters which the Statutes of the Univerſity do allow of, and are not repugnant to the Diſcipline thereof, the Cauſe of ſuch Diſpenſation being firſt approved of by the Chancellor, and then by the Vice-Chancellor, Proctors, and Heads of Houſes, at the *Hebdomadal* Meeting, or by the greater Part of them.

All Elections, except for Members of Parliament, are made by a private Scrutiny in Writing; wherein the Vice-Chan. is Preſident, and the two Proctors are Scrutators; and before they proceed to an Election for any Lecturer, Officer or Servant, the Candidate ſwears, that he has neither directly nor indirectly, by himſelf or any other, made any Contract with any one, or given or promis'd to give any thing for the ſame; and then the Vice-Chancellor ſwears the Proctors to make a faithful Scrutiny, that they will not induce any one to chuſe or name contrary to his own Inclination, and that they will pronounce the Perſon for elected, on whom a Major Part

Part of the Voices ſhall happen to fall. Then the Electors take an Oath, that they will only vote once in this Scrutiny, and that they will name none but whom they know or firmly believe to be duly qualified for the Office, Benefice, *&c.* ſued for; and that they will do this without any Reward or Expectation thereof. None ought to vote in an Election, until he has taken the ſaid Oath, under Pain of loſing his Vote, and being expelled the Convocation and Congregation-Houſe. After the Vice-Chancellor and Proctors have voted, all Doctors and Maſters are admitted to Poll according to their Seniority, if poſſible, the Proctors ſitting on each ſide of the Vice-Chancellor, and receiving the Poll, who are not to depart before the End of the Scrutiny, unleſs it be on urgent Occaſions, in which Caſe the Schedule is to be left with the Vice-Chancellor, that the Vice-Chancellor or ſome Perſon deputed by him, may ſupply the Proctor's Abſence. After they have proceeded for ſome time, and Perſons do not come to vote, the ſuperior Beadle of Arts makes three Proclamations at the End of each Quarter of an Hour, and then the Poll is caſt up by the Proctors, and after they have burnt the ſame, the Election is pronounc'd as aforeſaid. If there be two or more having an equal Number of Voices, the ſenior of them is elected, if they are Graduates, and if not, then the Chancellor or Vice-Chancellor determines the Election; and the Perſon elected is immediately admitted, if he be preſent. In every Election the Act of the 31ſt of *Eliz.* is read, before the Scrutiny begins; and the Vice-Chancellor, the Day before, gives Notice thereof to every Head of a Houſe, that he may acquaint his Members therewith.

For

For the better Diſpatch of Buſineſs, the Convocation and Congregation do often chuſe Delegates, being a ſelect Number of Men, who have ſometimes Power to act without any Relation or Report to the Houſes, and ſometimes with a Relation to the Houſes for their Approbation; and theſe Delegates are certain Doctors, and Regent and Non-Regent Maſters, who ſwear to under-go this Office according to the Direction of the Statutes: And whatſoever all or the greater Part of theſe Delegates do determine, in Matters delegated *cum nudâ relatione*, ſhall be immediately ratified; but in Matters delegated *cum relatione*, it is otherwiſe. All Delegates tranſacting out of the Univerſity are upon the publick Expence.

Theſe Delegates are divided into *ſtated* and *non-ſtated* Delegates, and are named by the Proctors.

Both in the Congregation and Convocation, all Speeches are made in *Latin*, unleſs the Chancellor gives Leave for them to be ſpoken in *Engliſh*, upon extraordinary Occaſions; wherein all opprobrious and indecent Language is to be avoided, under Pain of being excluded the Houſe for that Day, or longer, if the major Part of the Houſe ſhall think fit; and be moreover obnoxious to other ſtatutable Puniſhments, concerning contumelious Language.

For the Peace and better Government of the Univerſity, there is every *Monday* in the Week, throughout the whole Year, as well in the Vacation as Term-Time, an Aſſembly of the Vice-Chancellor, Proctors, and Heads of all Colleges and Halls, unleſs it be on Holidays, and when the Vice-Chancellor ſhall pleaſe to intermit the ſame. Theſe Perſons meet at one a Clock in the Afternoon, at a certain Place, to conſult about

about the Premiſes, and alſo about the Defence of our Liberties; and if any Perſon preſent in the Univerſity ſhall frequently abſent himſelf from this Meeting, the Vice-Chancellor ought to make a Report of him to the Chancellor, as a Perſon not in the Intereſt of the Univerſity.

All Scholars, of what Condition ſoever, are oblig'd to be in their Colleges and Halls by nine of the Clock at Night, immediately after the Tolling of the great Bell at *Chriſt-Church*; and if any Perſon ſhall be found in the Streets, or in any Houſe in the Town, unleſs on his lawful and neceſſary Occaſions, he is mulcted in the Sum of 40 *s.* being a Graduate; which Sum the Vice-Chancellor demands, if he be a Maſter of Arts or a Batchelor of Law; otherwiſe the Proctors may do it, and impriſon him for Contumacy, Suſpicion of Flight, or any rebellious Behaviour: If the Perſon offending be an Under-Graduate, he is left to the diſcretionary Puniſhment of the Vice-Chancellor.

All Plays and Gaming (eſpecially for Money) are prohibited, under the Pain of 6 *s.* 8 *d.* if a Graduate, and if not, then he is puniſh'd according to the Vice-Chancellor's Pleaſure, beſides Reſtitution of the Money ſo won; and 20 Shillings inflicted on all Gaming-houſes, and Impriſonment till they find Sureties not to receive any Scholars on the like Account. Scholars are alſo forbid to carry Guns, Bows, *&c.* to keep Dogs, Ferrets, Nets, *&c.* under the Pain of 6 *s.* 8 *d. toties quoties*, and to forfeit and loſe the ſame. Rope-Dancers, Stage-Players and Sword-fighters, are alſo prohibited the Univerſity, unleſs they have the Vice-Chancellor's Leave to come, under Pain of Impriſonment; and all Graduate Scholars attending them are puniſhed 6 *s.* 8 *d.* and Under-Graduates are corrected as aforeſaid. The

The Habits at *Oxford* are all black, except the Sons of Noblemen having Voices in the Houſe of Lords, who may wear colour'd Gowns of any kind, and how rich ſoever; and on certain Days, on ſome Occaſions, all Doctors here are honour'd with Scarlet Robes, which antiently were only allow'd to Kings and Emperors. The Scarlet-Days are *Circumciſion* or *New-Years* Day, *Epiphany* or *Twelfth*-Day, *Purification* or *Candlemas*-Day, *Annunciation* or *Lady*-Day, when the Sermon is at *New*-College, *Eaſter*-Day, *Aſcenſion* or *Holy Thurſday*, the 29th of *May*, *Whitſunday*, *Trinity*-Sunday, when the Sermon is again at *New*-College; *Friday*, *Saturday*, *Sunday*, and *Tueſday*-Morning, in *Act* Time, at Sermon and Congregation; *All Saints* Day, the 5th of *November*, *Chriſtmas*-Day, and all publick Thankſgivings. The Habit-Days are, the Day the Judges come to Town, when the Vice-Chancellor, Doctors and Proctors, aſſemble at St. *Mary*'s, and from thence go to wait on the Judges in their Formalities; at all *Latin* Sermons, Morning Sermons in *Term*-time, and at all Sermons at St. *Peter*'s in *Lent*; on Congregation Days, and on *Scholaſtica*-Day; and the Day afrer *Michaelmas*, when the Mayor is ſworn in St. *Mary*'s Church in the Morning, by the ſenior Proctor. All Scholars whatſoever, in Term-Time, ought to come to Church in their proper Habits.

CHAP. II.

Of the Chancellor *of the Univerſity of* Oxford, *his Election, Power, Office,* &c. *with the Nomination of the* Lord High Steward *thereof made by the ſaid Chancellor, as alſo of his* Commiſſary *or* Vice-Chancellor, &c.

OVER the Univerſity of *Oxford*, next under the Crowned Head, is placed a Magiſtrate of high Honour, Power and Dignity, called the *Chancellor*, who is commonly one of the Prime Nobility or higheſt Prelates, neareſt in Favour with the Sovereign Prince, and elected by the Students themſelves in Convocation, to continue during Life; whoſe Office it is to take care of the Government of the whole Univerſity, to maintain its Liberties and Privileges, to call Aſſemblies, to hear and determine Controverſies by calling of Courts, and to puniſh Delinquents, as is and ſhall be more particularly noted elſewhere. The *Chancellors* of the Univerſity were antiently ſtiled *Rectors* and *Maſters* of *Scholars*, and alſo *Rectors* and *Maſters* of *Schools*, as may be ſeen from a Catalogue of them in the Years 1211, and 1294. The Word *Chancellor* was introduced in the Time of *Theodoſius*, *Arcadius*, and *Honorius*; and was then a private Judicial Officer, employ'd in Writing and Recording ſuch Judicial Edicts as related to their Office; and they doing this Office in a Place incloſed with Lattices, in *Latin* called *Cancelli* (next unto the Conſiſtory) thence were ſtiled *Cancellarii*, in *Engliſh*, *Chancellors*. *Durantus*,

rantus, de ritibus Eccleſiæ, derives the Etymology of this Word from that of *Canchris*, tho' very idly. *Lib.* 1. *cap.* 15.

The Regent and Non-Regent Maſters formerly elected their Chancellor, and preſented him to the Biſhop of *Lincoln* as Dioceſan, for his Confirmation of him: But about the latter End of *Edward* the 3*d*'s Reign, the Convocation of Regents and Non-Regents had the entire Power of this Nomination and Confirmation devolved on them. This Election was then Biennial, and ſometimes Annual, which continued till the Time that *John Ruſſel*, Biſhop of *Lincoln*, was choſen for Life. And this Office was heretofore adminiſtred by ſome Perſon uſually commorant in the Univerſity during the Time of his Office, *viz.* either by a Maſter of Arts in ſome College, Inn or Hall, or elſe by a Doctor of ſome Faculty, or laſtly, by a Monk or Fryar of ſome Convent: Afterwards this Office was executed by Biſhops, and at length conferr'd on Laymen, the firſt of whom was Sir *John Maſon*, Knight. Not only the Kings of *England*, but alſo Popes, Biſhops, *&c.* have granted very large and ample Privileges and Immunities to this Supream Magiſtrate, as every where appears in this Book; ſo that our Chancellors are reſpected by all Perſons with the greateſt Honour, as placed in the higheſt Degree of Dignity in the Univerſity, and are ſuperior to the Mayor of the City, even ſitting in Court. The Chancellor had formerly ſometimes more and ſometimes fewer Gownſmen for his Aſſiſtants, tho' preſent himſelf in the Univerſity (as Occaſion required) whoſe Aid he made uſe of in adjudging Cauſes, and in diſpatch of other Matters belonging to his Province, who were for the moſt part antiently

called his *Vicegerents*, ſometimes *Commiſſaries*; and this laſt Title obtained till the Stile of *Vice-Chancellor* prevailed: And the *Chancellor*, or in his Abſence the Vice-Chancellor, has the Deſignation of a Judge, or an Aſſeſſor, who with the Chancellor make the ſame Tribunal, as a Vicar General of a Biſhop is in Law deemed to do: and until of late, either the Chancellor or his Vice-Chancellor ever ſat in Court with his Aſſeſſor; and it is a Queſtion, whether Judicial Acts be valid without the Chancellor or Vice-Chancellor's Preſence in Court; but this is a Doubt which I had rather wave than dwell on here, becauſe Modern Practice is againſt it, *&c.* The Aſſeſſors Juriſdiction is partly *Ordinary*, and partly Delegated; for as he cannot be appealed from to the Chancellor, ſo he cannot delegate his Power to another, *i. e.* he cannot delegate Acts of Juriſdiction, but only Acts of mere Execution.

All Colleges, incorporated into an Univerſity, do enjoy the Privileges of the Chancellor's Court, (as elſewhere ſaid) and are therefore ſubject to the Chancellor in all Cauſes touching his Juriſdiction; and they are ſaid to be incorporated, when they are admitted into the Boſom of the Univerſity, according to the Obſervation of thoſe Solemnities by the Statutes and Cuſtoms thereunto requiſite.

That this high Officer might not want due Honour, there are certain publick Servants, called *Beadles* (being ſix in Number as formerly) with a *Virger*, appointed to wait on him and his Vicegerent, in the Condition of Servants, whereſoever they pleaſe to walk within the Precincts of the Univerſity, and eſpecially to every ſolemn Aſſembly. Theſe *Beadles* are to walk before him and his Deputy with Silver Staffs

Staffs in their Right Hand erected; and are of great Antiquity, even before the Memory of our extant Regiſters, mention being made of them long before *Henry* the 3*d*'s Reign, but of their Number then *non conſtat*.

During the Vacancy of the Chancellorſhip, this Office was formerly executed by the Senior *Theologiſt* or *Divine* then in the Univerſity, who was from thence called *Cancellarius natus*, or *Chancellor born*; and he adminiſtred Oaths in the Univerſity Court, preſided in the Choice of a Chancellor, affix'd the publick Seals to all Deeds and Inſtruments, had the Management of the Univerſity Suits, and was alſo veſted with the Probates of laſt Wills and Teſtaments, and the Granting of Letters of Adminiſtration touching the Goods of privileged Perſons: And this Right and Power he enjoy'd until *Edward* the 6*th*'s Reign, when his Authority began to decline and change.

Altho' the Students of *Cambridge* deduce a Catalogue of their Chancellors from St. *Amphibalus* the Martyr, affirming him to preſide over their Schools in the Year 289, as inſerted in their Annals; and that he bore this Office in thoſe early Days with *Mauritius* in *Conſtantine*'s Time, *Kynot* in the Reign of our *Britiſh* King *Arthur*, *Edbert* in the Days of King *Cedwall*, and *Almerick* in the Reign of *Cadwallader*, with many others, according to the Fables and Legends of *Nic. Cantelupe*: yet if we will credit uncertain Conjectures, we might produce *Rectors* of the Univerſity of *Oxford* perhaps coeval with thoſe of *Cambridge*; but 'tis ſufficient for me to go no higher than our own Regiſters and Hiſtorians: Therefore omitting *St. Germain*, *Gildas*, *Melkin*, *Nennius*, *Kentigern*, and others, living under the Reigns of the *Britiſh* and *Saxon* Kings;

(and if we may believe *Camden*'s Quotation of an excellent Copy of *Aſſer Menevenſis*, theſe not only ſtudied at *Oxford*, but alſo made Statutes and Ordinances for the Government of the Students here) I ſhall begin the enſuing Catalogue of Chancellors with *Grymbald*, whom none can doubt of being Chancellor of this Univerſity.

The next great Officer or Magiſtrate of the Univerſity is the *Lord High Steward*, who is named by the *Chancellor*, and by his Letters Patents recommended to the Univerſity in Convocation aſſembled for their Approbation. His Office is alſo during *Life*; and, by Virtue of it, he is to aſſiſt the *Chancellor*, *Vice-Chancellor*, and *Proctors* (upon their requeſt) in the Execution of their reſpective Duties, to defend the Rights, Cuſtoms, Liberties and Franchiſes of the Univerſity, particularly as they regard the Office of a *Steward*: He is alſo to hear and determine Capital Cauſes according to the Laws of the Land, and the Privileges of the Univerſity, when requir'd by the Chancellor, whereever a Scholar or privileged Perſon is the Party offending: And laſtly, his Office is to hold and keep the Univerſity Court-Leet, at the Appointment of the *Chancellor*, or *Vice-Chancellor* (and not otherwiſe) either by himſelf, or his *Under-Steward*, in the Name of the whole Univerſity; and on the Account of this Office, the *High Steward* receives the yearly Fee of five Pounds from the Univerſity, after he has taken an Oath proper to the Duty of his Place and Office; which was firſt inſtituted by a Charter from King *Henry* the Fourth, and has been filled with many great and good Men, eminent for their Wiſdom and Love of Letters; but by none ſo much to the Honour and Advantage of the

the Univerſity, as when the Lord *Elleſmere* ſupply'd this Office, who had Learning and Religion as much at Heart, as he had the Good and Laws of his Native Country; and truly, in the Knowledge and Preſervation of them, he was never outdone by any of his Predeceſſors; and, by his conſtant Adherence to Truth, Equity, and an upright Conſcience, he reſolv'd in himſelf to ſet a noble Pattern for the Imitation of all ſuch Perſons who ſhould ſucceed him in the Office of *Lord High Chancellor* of *England*, or in the Character of an able and faithful Miniſter of State.

As to the *Vice-Chancellor*, he is yearly nominated by the *Chancellor* to be elected in Convocation, and is always the Head of ſome College, and in Holy Orders. His Duty is, in the *Chancellor*'s Abſence, to do almoſt whatever the *Chancellor* might do, if he were preſent: He Licences all Books printed at the Univerſity-Preſs (now called the *Clarendon Printing-Houſe:*) And alſo gives Licences to Taverns, Ale-houſes, Coachmen, Carriers, *&c.* and receives the Rents due to the Univerſity, unleſs otherwiſe ſpecially appointed to be received: Moreover, he takes Care that Sermons, Lectures, Diſputations, and other Exerciſes be performed; that Hereticks, Panders, Bawds and Whores be expelled the Univerſity, and all converſe with Students; that the Proctors, and other Officers, with the publick Servants of the Univerſity, do their Duty; and that Courts be duly ſummon'd, and Law-Suits determin'd without delay; and (in a Word) is to govern the Univerſity according to her Laws, Cuſtoms, Privileges and Statutes, and not at his own unruly Will and Pleaſure: And therefore, it well behoves the Chancellor's Wiſdom, Honour and

Juſtice, to name hereunto a Perſon of ſober Diſcretion and Underſtanding, of Religion and Learning, and of an exemplary Life and Converſation; and finally, a Perſon of a tried Fidelity in Point of Truſt, whom neither Avarice, nor a vain and unjuſt Profuſion can prevail on to become a Knave in his Office; which, at his entrance thereinto, he ſwears to execute honeſtly and faithfully, according to the Laws, Statutes, and Cuſtoms of the Univerſity. And then the *Vice-Chancellor* chuſes four *Deputies*, or *Pro-Vice-Chancellors* out of the Heads of Colleges for the Exerciſe of his Power in Caſe of neceſſary Abſence; for the Vice-Chancellor is oblig'd to very ſtrict Reſidence, unleſs on very urgent Occaſions of Abſence, either publick or private. If any Perſon be ſuſpected of *Hereſy* or *Schiſm*, the *Vice-Chancellor* may, at the Hebdomadal Meeting of the Heads of Houſes, convene the Perſon before him, and if the Perſon be found guilty, in the Judgment of himſelf, and the Houſes being his Aſſiſtants herein, he may mulct him at Pleaſure for the firſt Offence; and if the Offender ſhall continue obſtinately in his Error, and be again brought before the *Vice-Chancellor* on this account, beſides an arbitrary Mulct, he ſhall be obliged to retract and ask Pardon for the ſame on his bended Knees, publickly in the Convocation-Houſe; and if he ſhall refuſe ſo to do, or be again convict of the ſame, he ſhall be baniſh'd the Univerſity.

The *Proctors* are two Maſters of Arts, yearly choſen out of the ſeveral Colleges by turns, according to a Cycle beginning *anno* 1629. and ending 1720. upon the Inſtitution of the Statutes given by King *Charles* the Firſt for the Choice of *Proctors*, in reſpect of the Time and Place therein preſcribed. After the Election

of

of theſe Proctors, which is now made by the common Suffrage of all Doctors and Maſters of Arts in Colleges, they are preſented to the *Vice-Chancellor* by the Heads of their reſpective Colleges, on *Wedneſday* after the firſt *Sunday* in *Lent*; and then, on *Wedneſday* after the *Eaſter* Week, they are attended to the Convocation-Houſe by all the Members of their Colleges; at which Time and Place, the *Proctors* of the foregoing Year lay down the Badges of their Office, and the *Senior* Proctor of the Year paſt riſing from his Chair, makes a handſom Speech concerning the Occurrences of his Year; and then the Vice-Chancellor, on a formal Preſentation of the new Proctors made to him by the reſpective Heads of their Colleges, admits them in a ſolemn Manner, and gives them the Oaths of Allegiance and Supremacy, and the Proctor's Oath; then he admits them to their Offices, by delivering to them the Badges thereof, *viz.* the Books and Keys, under a certain Form of Words. As ſoon as the Proctors have accepted of their Offices, they take their Chairs, and name four Maſters, of four Years ſtanding from their Regency, to be their Deputies, who, if preſent, immediately take the Proctor's Oath; and, if not, they are ſworn in the next Congregation, whoſe Office it is in Sermon time to walk the Streets, and viſit publick Houſes, *&c.* The Office of a Proctor is to intend the Buſineſs of the Univerſity, to inſpect the Accounts, and to name Delegates of Appeals, to be Aſſeſſors to the Chancellor, or his Commiſſary, in all Univerſity Matters, and to grant Inhibitions in Cauſes of Appeals, *&c.*

Next to the Proctors, is the publick Orator; whoſe Province it is to write publick Letters ac-

according to the Orders of the Convocation or Congregation; and, at the Reception of any Prince, or great Perſon, who comes to ſee the Univerſity, to make Speeches and proper Harangues, *&c.* This Officer is choſen by the Convocation, and muſt be either a Maſter of Arts, or Batchelor of Law, but not of the ſame Houſe with the laſt Perſon elected: He is obliged to a perpetual Reſidence in the Univerſity, unleſs in Caſe of Sickneſs, or urgent Neceſſity, with which the Vice-Chancellor may diſpenſe for a time; and if Sickneſs, or other Avocations ſhall keep him abſent above a Quarter of a Year *continuis vel interpolatis vicibus*, the Univerſity may proceed to the Election of a new Orator; and in the mean while, in Caſe of Abſence, his Office may be ſupply'd by a Deputy, to be ſubſtituted by the Vice-Chancellor, and not himſelf.

There were anciently, as at preſent, certain Regent Maſters choſen by the Congregation, in purſuance of Royal Grants as well as Preſcription, and furniſh'd with a Power of viſiting all the Streets, and of ſeeing that all the Ways leading to the City were duly mended and repair'd; and alſo, that all Nuſances, as Dirt, Stones, Timber, *&c.* were remov'd: And if any Townſman neglected or refus'd to obey their Commands, being thereunto requir'd, (for every Man was bound to cleanſe and mend the Ways before his own Houſe or Lands;) theſe Maſters were to ſummon him into the Chancellor's Court, and the Matter it ſelf, whether Timber or Stones, *&c.* was forfeited to the Univerſity by way of Mulct. And this Office every one bore during the Year of his neceſſary Regency, and was not only called a *Surveyor* of the Streets, but oftentimes a Keeper of the

the Peace. Theſe Maſters, in the Year 1280. claim'd a Kind of immemorial Authority in Eccleſiaſticals, notwithſtanding the Biſhop of *Lincoln*'s Oppoſition thereunto; and to the Inquiſitions made by them touching Scholars, *&c.* They were indiſtinctly wont by Clerk and Pariſh-Prieſts, as well as by Lay-men, to make theſe Inquiſitions for the Diſcovery of ſuch Exceſſes, *&c.* And the Arch-Deacon of *Oxford*, a Pariſh-Prieſt himſelf, gave Occaſion hereunto. Theſe Maſters are now nam'd by the Proctors in Congregation, in the Beginning of *Michaelmas*-Term, and are aſcertain'd in Point of Number, and have their Streets aſſign'd them for their particular Care; but have loſt a great deal of their Authority by the new Statutes, yet they have ſufficient to keep the Peace, and to take Cognizance of irregular Habits in Scholars, *&c.* Our *Civil* Law-Books call theſe Perſons *Magiſtri immunditiæ*, who are alſo to take Care of the Pavement and Pitching of the Streets, and that the Paſſage thereof be kept open and free within the Precincts of the Univerſity.

For the better Care and Government of the Market, among other Officers, there are two ſtiled Clerks of the Market, who are choſe out of the Maſters of Art, Batchelors of Divinity, Law, or Phyſick; the one by the Chancellor, and the other by the Vice-Chancellor, every Year, in the firſt Congregation after *Michaelmas*. Theſe Clerks are to take Care of the Aſſize of Bread, Beer and Wine, of Weights and Meaſures, the Prices and Qualities of Victuals, and other Proviſions. For which End they are often oblig'd to weigh the Bread, and once a Year (at leaſt) to gauge all Brewers Veſſels, and to break or burn the ſame, if wanting of the ſtatutable

table Meaſure; beſides an arbitrary Mulct to be inflicted on the Brewer by the Vice-Chancellor. Their Buſineſs is alſo to take Care of Hay, and all Kind of Horſe-Provender, of the juſt Meaſure of Faggots and Coals; and if defective, to diſtribute them among the Poor: And laſtly, to ſee that all things belonging to the Market be expos'd to ſale therein; to amerce Regrators, Foreſtallers, *&c.* or to denounce them to the Vice-Chancellor for that End: And if theſe Clerks ſhall be wanting in their Duty, on a Complaint of them to the Vice-Chancellor, they be each of them mulcted in the Sum of ten Pounds for their Neglect on the Score of Beer-Veſſels, and ten Shillings, *toties quoties*, in reſpect of other Matters relating to their Office. They are to have in their Cuſtody a written Inventory of all Weights and Meaſures, Seals and other Inſtruments belonging to their Office, and kept as Standards in the Univerſity-Archives: And at their entrance on their Office, beſides the Oaths of *Allegiance* and *Supremacy*, they take an Oath to the Univerſity, and another for the faithful Diſcharge of their Duty, as Clerks of the Market, according to the Laws of the Realm, and the Statutes of the Univerſity, without Favour or Affection, Hatred or Malice, *&c.*

The Citizens of *Oxford* (for what Reaſon I know not) withdrawing the yearly Payment of the Fee-Farm Rent, from King *Edward* the Firſt; that Prince, in the 13th or 18th Year of his Reign, thereupon ſeiz'd the Clerkſhip of the Market to the Uſe of the *Exchequer*, and let out the ſame ſometimes to the Conſtable of *Oxford* Caſtle, and ſometimes to others, as he cou'd make moſt Gain thereby: Wherefore King *Edward* the Second, by Vertue of the afore-

aforeſaid Seizure and Royal Claim (from whence this Clerkſhip never return'd again to the Citizens) by his Writ of 28th of *May*, in the 12th Year of his Reign, dated from *York*, commanded the Mayor and Bailiff of *Oxford*, that, for the avoiding of all Suits and Diſturbances hereafter, the Tradeſmen of the Town ſhould be divided by Limits and Bounds, from all Strangers and Foreigners, in the Standing of their Goods; and likewiſe the City Regrators and Foreſtallers, from thoſe of the Country, according to a Place aſſign'd by the Conſent and Approbation of the Univerſity Chancellor, wherein Foreigners and Extraneous Perſons ſhould expoſe their Goods and Wares to ſale ſeparately from the Townſmen. And by theſe Letters Patents it was likewiſe order'd, that if the Mayor and Bailiffs, upon mature Deliberation, did not conform hereunto, the Univerſity might do the ſame excluſive of their Advice or Authority, as it happen'd afterwards: For about the Year 1319. the ordering of the Market was renew'd (as it had been in ancient Times) and was as follows, *viz.* That all Sellers of Straw and Hay ſhall ſtand with their Teams and Waggons in the Middle of the *High-Street*, between *Eaſt-Gate* and *All-Hallows*-Church. 2*dly*, That all Sellers of Faggots, and other the like Fuel, in Carts and Waggons, ſhall ſtand between *Schydiard* and a Tenement formerly of *John Maidſtons*, *i. e.* between the *Lane* leading from St. *Mary's*-Church to *Oriel*-College, and the fartheſt Houſe but two of the ſame Pariſh, on the *South* ſide of *High-Street*. 3*dly*, That the Timber-Merchants ſhall ſtand between a Tenement called St. *Thomas*'s-Hall and St. *Edward's-Lane*, *i. e.* between a Tenement lately called the *Swan-Inn*, the utmoſt Houſe but one of St.

St. *Mary*'s Pariſh, on the South-ſide of *High-Street*, and a Street leading from *All-Hallows* Church to *Peckwater-Inn*. 4*thly*, That the Sellers of Hogs and Swine ſhall ſtand between St. *Maries* and *All-Hallows* Church, on the North-ſide of *High-Street*. 5*thly*, That Beer and Ale-Drapers ſhall ſtand between St. *Edward*'s Lane, and the *Chequer-Inn*. 6*thly*, That the Sellers of Roots and Coals ſhall ſtand between St. *Edward*'s Lane, on the North-ſide of *High-Street*, oppoſite to the Ale-Drapers, and a Tenement formerly belonging to *John de Hampton*, which *Richard Woodhay* held for Life. 7*thly*, That the Sellers of Gloves and Whytawyers, *i. e.* the Furbiſhers and Botchers ſhall ſtand between *All-Hallows* Church, and a Houſe then belonging to *John le Goldſmith*, held of *Great Univerſity*-Hall, on the North-ſide of *High-Street*; which Houſe was next but one to the *Mitre-Inn*. 8*thly*, That the Furriers, Linen and Woollen-Drapers ſhall ſtand between *le Goldſmith*'s Houſe, and the two-faced Pump. 9*thly*, The Bakers ſhall ſtand between *Cairfaix* Conduit and *North-Gate*. 10*thly*, That the Tanners ſhall ſtand between *Cairfaix* and *Somners-Inn*. 11*thly*, That the Sellers of Butter, Cheeſe, Milk, Eggs, Beans, Peaſe, ſhall ſtand from the Corner of *Cairfaix* towards the *Old Baily*. 12*thly*, That the Sellers of Scullery-Ware ſhall ſtand between the *Flower de Lys*, and the *Red Lyon-Inn*. 13*thly*, That the Corn-Market ſhall be between *Manger*-Hall, *i. e.* the *Croſs-Inn* and *North-Gate*: Of the Butchers no mention is made, tho' there be of many others too long to enumerate here. And thus the Market continued till the Time of the great Conflict in *Edward* the Third's Reign, who took away the ſame from the Citizens, and granted the

the Right of the Market in a particular Manner to the Chancellor of the Univerſity; who has ſince changed many of theſe Standings for the better Convenience of the Univerſity and City both.

Great Complaints were made to the King by the Chancellor and Proctors of the Univerſity, touching the unjuſt and exceſſive Prices of Proviſions in the Market at *Oxford*; whereby many of the poorer Scholars almoſt living on Charity, were oblig'd to leave their Studies here: Whereupon the King, by his Writ tranſmitted to the ſaid Chancellor, commanded him to publiſh the Prices of Proviſions, as appointed by him and his Parliament, which was ordain'd in this Manner, *viz.* That the beſt living Ox, being not fatted on Grain, ſhould be hereafter ſold for 16 Shillings, and no more; and if fatted on Grain, for 24 Shillings at the utmoſt; and the beſt living Cow or Heifer being fat, for 12 Shillings. A Sheep of two Years old, for 40 Pence, if fat, and with a great deal of Wool; but if ſhorn, and not very fat, for 20 Pence; and a Sheep of leſs Size, for 14 Pence. A Gooſe, for 2 Pence farthing; and a fat Capon, for 2 Pence; a fat Hen, for a Penny; 24 Eggs, for a Penny; two Pullets or Cockerels, for a Penny; four Pidgeons, for a Penny: And theſe Prices, with ſome Alterations, were order'd to be obſerv'd in other Places; from hence it is, that theſe things are recorded by many Hiſtorians.

What we call the *Archives* is a Place where Charters, Evidences, and ancient Records are kept for publick Uſe and Service: And thus are the Univerſity *Archives* a Repoſitory of publick Acts and Inſtruments, touching the Privileges, Cuſtoms, Liberties, and good Government thereof. The Place aſſign'd for theſe Evidences

videnceſ is the upper Room over the Eaſtern Gate of the publick Schools, oppoſite to the Entrance into *Hart*-Hall; and the Keeper thereof is a publick Officer belonging to the Univerſity, and choſen by the Convocation; whoſe Duty it is to collect and lay together therein, all Muniments and Charters, as well authentick as others, which do any wiſe concern the Eſtates, Poſſeſſions, and common Rights and Privileges of the Univerſity, or the Endowments of publick Lectures, and all other Records and Regiſters relating to the Univerſity; and alſo to diſpoſe and digeſt them into proper Order, that they may eaſily be found and come at, as Need ſhall require, according to the Proviſo in the Statute *de Chartis ac Munimentis, &c*, And being thus reduced into Order, he is obliged to be ſo well vers'd in the ſame, that he may be always in a Readineſs to aſſiſt the Chancellor, and all other the Magiſtrates of the Univerſity, in caſe of Exigency, on a Defence of our Rights and Privileges. All Scholars, Graduates and Non-Graduates, enjoying the Privileges of the Univerſity, (except Servitors and poor Scholars) do yearly contribute one Shilling for the keeping thereof; and out of this Collection of Money, the Vice-Chancellor ought yearly to pay the Sum of 40 *l.* (at leaſt) to the Keeper thereof by way of Salary; which Keeper ſhall continue in this Office ſo long as he ſhall behave himſelf well and faithfully therein, according to the Judgment and Opinion of the Convocation, and no longer. At his Admiſſion thereinto he ſwears, ſafely to keep all Charters, Muniments, Regiſters, and all other Evidences of his Truſt, belonging to the Univerſity, and not to reveal the Secrets of the ſame: But this Oath does not oblige him to keep them from the Inſpection of

ſuch

ſuch Perſons as have an Intereſt therein, and if he ſhall refuſe the ſight of them upon a Requeſt made to him for that End, he may be complain'd of to the Convocation, or to the Vice-Chancellor and Proctors, and they ſhall judge thereof, and according to their Diſcretion make an Order: and if he ſhall then refuſe the ſame, he may be ſtrip'd of his Office by the Convocation. It has been a Queſtion, whether he ought to have any Fee for his Search and Attendance; but as there is none preſcribed, I conceive not; Yet it will not be ſufficient for him to ſay, in caſe of a Refuſal (as aforeſaid) that the Statute of his Office does not command him to ſearch and attend in a private Caſe; for that would have been needleſs, the very Nature of the Office beſpeaks the ſame; and altho' the preſent Officer be a Head of a Houſe, yet he ought to vouchſafe us poor and humble Fellows, a Condeſcenſion of his Preſence, when requeſted thereunto, in the Execution of his Office: But the Difficulties, which ſome honeſt Gentlemen of *All-Souls* College, and elſewhere, have lately met with in procuring a Sight of the Archives in their own neceſſary Defence, ought to be a ſtanding Caution to the Convocation for ever, how they make Choice of a great Man for this Office, unleſs he be ſuper-eminently qualified for the ſame.

CHAP. III.

Of the Miniſters and Servants of the Univerſity.

THE Regiſter of the Univerſity or Convocation, is a publick Servant, and is choſen by Scrutiny after the ſame manner in Convocation as other Officers of the Univerſity are; and ought to be a Maſter of Arts, or a Batchelor of Law, and a publick Notary at the time of his Election; who at the ſaid time ought on his Admiſſion to ſwear to the Obſervance of the Statutes, Privileges, Liberties, and Cuſtoms of the Univerſity, and alſo to the faithful Diſcharge of his Office: Which is, to be preſent at all Convocations, Congregations and leſſer Aſſemblies in the Univerſity, either by himſelf or his Deputy, from the Beginning to the End thereof, clad in a Habit proper to his Degree; to regiſter within a Week's Time all Acts, as Diſpenſations, Graces, Elections, Licences, Decrees, Statutes, *&c.* to reduce into Writing all Letters ſent or received by the Univerſity, all Leaſes, Indentures, Grants, and other Matters of greater Conſequence, which paſs the publick Seal of the Univerſity, or that of the Chancellor's Office: and laſtly, to regiſter all Acts in judicial Cauſes ventilated before the Delegates of Appeal, and to keep theſe Regiſters, and to collect and receive the Univerſity Rents, and to enrol an Account of the Rents receiv'd, under the Pain of 13 *s.* 4 *d.* for every Offence, except that of 40 *s.* for not regiſtring of Decrees according to Statute.

Ac-

According to the Charters, Privileges, and Cuſtoms of the Univerſity, there are ſix publick Servants, called *Beadles*, *Cryers*, and *Foot-Meſſengers*; three of the ſuperior Order are ſtiled *Eſquire Beadles*, and the others named *Yeomen Beadles*; and although the *Eſquire Beadles* may think themſelves Great Men from their vulgar Appellation, yet their Employment is as mean and ſervile as the Cook or Butler of a College: They are conſtantly to reſide in the Univerſity, and not to go out of Town without the Vice-Chancellor's and Proctors Leave; and their Duty is to wait on the Chancellor, or his Vice-Chancellor, upon all Occaſions, (eſpecially on his going out to publick Acts and Exerciſes) and to divide into Circuits the whole Univerſity, and therein ſeverally to execute their Employments; as to denounce and proclaim the Chancellor's or Vice-Chancellor's Mandates and Precepts; and at either of their Commands to arreſt and carry Perſons to Goal, under Pain of loſing their Places on Refuſal thereof, or if they ſuffer a Perſon once arreſted to make his Eſcape. They are alſo to execute all Summons and Citations, to call Courts and Univerſity-Leets, and to warn Convocations, to wait on all publick Profeſſors to the Schools, and to have them home again; to report the Names of Scholars abſent from Lectures to the Vice-Chancellor, and at the Vice-Chancellor's, Proctors, or Profeſſor's Pleaſures, to call over the Names of the proper Auditors in each School, and at the End of every Month after the Quarter, to demand all Mulcts from the Heads of Houſes for the Mis-feazances of their Members herein; and if they neglect frequenting the Schools at the Time of Lectures, the Proctors or each Lecturer may mulct them in the

Summ of 12*d.* to be divided between the Proctors and Lecturer; and if they neglect to demand the Mulcts of abſent Scholars, or delay to return their Names, refuſing to pay theſe Mulcts, they are at the Vice-Chancellor's Diſcretion. The Beadle's Duty is moreover to be preſent at all Diſputations, and to carry to the Schools and bring back the Moderators and Reſpondents from Diſputations, and to do many other Acts of Servitude and low Employment, too numerous to be here remembred, tho' they may ſtrutt and look big under the Weight of a Silver Staff. On the Vacancy of any of theſe Employments, the Vice-Chancellor ſummons a Convocation, to proceed to the Choice of a new Beadle; unto whom an Oath is given in *Latin*, if he underſtands it, and if not, then in the *Engliſh* Tongue; which is a plain Declaration, that the Univerſity, at the Time of making their new Statutes, thought the Buſineſs beneath the Education of a Fellow of any College, unleſs it ſhould be ſuppos'd, (which can hardly be imagin'd) that in ſome Colleges there ſhould be found Perſons ſo illiterate and unlearned, as not to underſtand plain *Latin*. Theſe Beadles enjoy their Places during Life, unleſs they deſerve Amotion for ſome great Offence: Yet in the firſt Congregation in *Michaelmas*-Term, they ſolemnly lay down their Staffs, by way of Submiſſion, at the Vice-Chancellor's and Proctors Feet, and depart the Houſe, until the Vice-Chancellor has put the Queſtion touching their Behaviour in the fore-going Year; and if no Objection be made thereunto and proved, they reſume them again: And if the Fault be ſmall, an Admonition with a Suſpenſion and Loſs of Salary for a Time is ſufficient; but if of a heinous Nature, then Deprivation of Place enſues.

Altho'

Altho' the Univerſity anciently made Uſe of four Stationers, from the Condition of thoſe Times, and the Office it ſelf; yet at preſent, one Stationer or Virger is ſufficient, who is a Servant choſen after the ſame manner as the Beadles, and other publick Servants of the Univerſity; and his Duty is, at all publick and ſolemn Acts and Aſſemblies of the Univerſity, to carry a Silver Rod, as the Badge of his Office, before the Vice-Chancellor, to attend the Grand Compounders to Church, and to the Schools, and to fetch them back again; and with one of the Beadles, to make Inventories of the perſonal Eſtates of all Scholars and Priviledged Perſons of the Chancellor's Juriſdiction, and dying within the Precincts thereof, or any ways forfeiting the ſame; and having made Schedules and Inventories thereof, to render a juſt and faithful Account.

Beſides the publick Servants already mention'd, there are others, as the Clerk of the Univerſity, whoſe Duty it is either by himſelf, or his Deputy, to ring and toll the Bells for the calling together all publick Aſſemblies, and for the Performance of all publick Exerciſes, *&c.* to look after the Clock, and to cleanſe the Schools, and other publick Places of the Univerſity; and alſo to open and ſhut the School-Gates, *&c.* The Univerſity Bellman, whoſe Duty it is, either by himſelf or his Deputy, to give Notice by the ringing of a ſmall Bell, of the Funerals of all Doctors, Maſters, Scholars, and other priviledged Perſons throughout the whole Univerſity and City in a ſolemn Manner, being clad in Mourning, and thus to attend the Corpſe to Church, and to the Grave; and for this he receives a Fee: His Office is alſo to publiſh (as a Cryer) all the

Vice-Chancellor's Orders throughout the Univerſity and City; and he is choſen by the Chancellor or his Vice-Chancellor, as the Clerk of the Univerſity is, and enjoys his Place for Life. The Bailiff of the Univerſity is appointed by Letters Patents from the Chancellor, and holds his Office for Term of Life; who every Year, at the Beginning of *March*, is to take a View of all the Univerſity Tenements in *Oxford*, and to report the Condition of the Buildings to the Vice-Chancellor; and alſo to make Terriers thereof, and regiſter the ſame. His Duty is alſo to take a View of all Eſtates, whether anciently or lately given to the Univerſity, for the Endowment of Lectures, and other Uſes; and his Salary is 6 *l.* 13 *s.* 4 *d. per ann.* I had almoſt forgot to acquaint the Reader, that it is the Buſineſs of this Perſon to *ſcire* all Felons Goods belonging to the Univerſity, *&c.*

CHAP. IV

Of Lectures and Lecturers, Doctors, Maſters, Scholars, &c.

FROM the publick Servants of the Univerſity, I paſs to Perſons of an Honourable Station therein; and firſt I ſhall begin with Lecturers, Profeſſors, *&c.* But before I ſpeak of the publick Lectures now read here in the ſeveral Sciences, I will briefly treat of thoſe which were anciently erected and eſtabliſh'd among us, and from whence many of the preſent have their Riſe, or (at leaſt) their Form, *&c.* The firſt of theſe were thoſe ancient Royal Lectures founded and endowed by K. *Alfred*, with per-

perpetual Stipends, which may be ſeen *P.*20. in the *Firſt Part* of this Work. In the Year 1134. *Rob Pullein* alſo read Divinity-Lectures, as has been already obſerved, *P.*30. But theſe Lectures were intermitted, and then reſumed again, according to the State of different Seaſons. The next endowed Lectures were thoſe which *Tho. Linacre* of *Canterbuty*, ſometime Fellow of *All-Souls* College, and Phyſician to King *Hen.* VIII. founded here; at the Time of his Death conveying certain Lands in *Kent* (called the Manor of the *Tracies*) to Sir *Thomas More* Knight, Biſhop *Tonſtall*, and others, for the Maintenance of three Lectures in Phyſick, *viz.* two at *Oxford*, and a third at *Cambridge*. But tho' only Stipends were paid to our two Lecturers in his Life-time, (as appears by a Letter from the Univerſity to him) yet theſe Lectures were endowed with a perpetual Revenue, long before his Death. But in the 3*d* of *Edw.* VI. (the Time of his Deceaſe) the Realm being then employed in the Reformation of Religion; and his Truſtees being ſome of them dead, and *Tonſtall* (the only Survivor) being deprived of his Biſhoprick, theſe Lectures, with the Eſtates devis'd to them, were conſign'd over to *Merton*-College by *Tonſtall*, at the Inſtance of his Friend Dr. *Raynolds*, then Warden thereof: And by Compoſition between the Biſhop and the College, made *Dec.* 10. the two Lecturers of that College were oblig'd to read publickly in the Univerſity on *Galen* and *Hippocrates*. 3 *Edw.* 6.

There were anciently two ſorts of Lectures, the one ſtiled *Cathedral*, and the other termed *Stated* or *Ordinary* Lectures.

The *Hebrew*, *Greek*, *Chaldaick* and *Arabick*, Lectures, founded by a Conſtitution of Pope *Clement* V. for the better Learning of theſe Lan-

guages, vere read for many Years, not only at *Oxford*, but alſo at *Paris*, *Bononia*, and *Salamanca*; and 'tis eaſy to aſſign a Reaſon why *Cambridge* had not theſe Lectures then, *viz.* becauſe they had no Schools then erected in that Univerſity. On the Death of *Clement* V. Pope *John* XXII. ſent Letters to *Oxford*, for the perpetual Confirmation of theſe Lectures, and of the Lecturers Stipends.

Altho' Lectures in all Arts were of the ſame Date with Academical Degrees, and therefore in a Manner coeval to the Univerſity it ſelf; yet ('tis probable) that Lecturers were without Stipends, from the Time of the *Norman* Conqueſt to the Reign of K. *Henry* VI. when *John*, Duke of *Bedford* and *Anjoy*, (the King's Ambaſſador in *France*) at the Inſtance of his Brother, (Duke *Humphry*) endowed the ſame, by giving a large Summ of Money for this End, which was lodg'd with his Books and other Furniture for this Uſe in a Cheſt, called the *Cheſt of the ſeven Liberal Arts, and the three Philoſophical ones*, in the Cuſtody of the Univerſity Chaplain and his Succeſſors. Hereupon the Univerſity erected Publick Schools in *School-ſtreet*, and transferr'd theſe Lectures thither, not only for the Conveniency thereof, but to perpetuate the Memory of the Benefaction, and in how great Eſteem
A. D. 1432. they were, appears by Letters ſent from the Univerſity to theſe two Dukes: In Imitation of
21 *Edw.* 4. whoſe Piety, K. *Edw.* IV. founded here a Divinity-Lecture, for which the Univerſity in a Let-
Oct. 9. ter return'd him Thanks, and by a Statute commanded a ſolemn Anniverſary on the Feaſt of St. *Dennis*, with ſo many Maſſes for his Soul. But what became of this Lecture afterwards, with ſeveral others, we are at a Loſs to know; yet 'tis certain that this, and thoſe of Arts, brought

brought on the Lectures of the Lady *Margaret*, and of Cardinal *Woolſey*.

Londinenſis will have it, that the *Margaret*-Lecture at *Oxford* commenc'd on the 8*th* of *June*, 1508. on purpoſe to render the other, founded at *Cambridge* by the ſame Lady, coeval with this at *Oxford*; but herein he is much miſtaken: For the Counteſs of *Richmond*, deſirous of ſhewing her great Affection to *Oxford*, obtain'd a Charter or Licenſe of her Son K. *Hen.* VII. of the firſt of *March*, 1496. for the founding of this Lecture here, from that Time maintaining the Lecturer at her own Expence, till the King's Confirmation of him by a Charter of the 7th of *September*, 1502. when he agreed with the Abbot and Convent of *Weſtminſter* to pay twenty Marks *per Ann.* to the ſaid Lecturer, giving about this Time certain Revenues to the ſaid Convent, which by Covenant obliged themſelves to pay this Sum for ever, by even Portions at *Michaelmas* and *Eaſter*; and in Default thereof, at the End of ſeven Weeks after, the ſaid Lecturer might enter and diſtrain this Convent's Lands, lying in the Mannors of *Drayton*, *Weſt-Drayton*, *Hillington*, *Colham*, *Uxbridge*, *Willeſdon*, *Paddington*, *Weſtburne*, *Kenſington*, *&c.* for Satisfaction of the Arrears; and beſides this Remedy, if this Convent remain'd in Arrears for two Months, it was then to pay a Fine of 40 Shillings *toties quoties*, by way of Penalty; for which the Lecturer might alſo diſtrain. This Money, on the Convent's Diſſolution, reverted to the Crown; but the King, by a Letter of the 20th of *June*, the ſame Year, declared, that he would not ſuppreſs this Lecture; wherefore *June* 24. it was order'd by the Chancellor and Court of Augmentation, that the Treaſurer thereof ſhould yearly pay this

12 *Hen.* 7.

18 *Hen.* 7.

32 *Hen.* 8.

35 *Hen.* 8.

this Stipend, which Order the King, on the 26th of *June* this Year, confirm'd. By this Charter the Counteſs would have this Lecture bear her own Name; that the Profeſſor ſhould be a Body Politick, to be elected by all Doctors and Batchelors in Divinity of the Convocation, every 2d Year; and to read the 1ſt Day of every Term, and ſo on all legible Days (except in *Lent*) on the holy Scriptures in the Divinity School.

The next Lecture I ſhall here treat of, tho' not in Order of Time as endowed, is that of Hiſtory, founded by *William Camden* Eſquire, *Clarencieux King at Arms*, and Maſter of Arts in this Univerſity; who gave thereunto the Manor of *Boxley* in *Kent*, with all its Appurtenances, as a Proviſion for a perpetual Reader in Hiſtory, for whoſe Stipend the Univerſity now receives 140 *l. per ann.* But after a certain Term of Years, the Rents and Profits of the whole Mannor amounting to the Sum of 400 *l. per Ann.* or thereabouts, devolve to the Univerſity, for the Uſe and Benefit of this Profeſſor. The Charter of this Donation bears Date the 5 *th* of *March*, 1622. and was the ſame Year publiſh'd in the Convocation-Houſe; and the Year following Mr. *Camden* was enrolled as a publick Benefactor. The Lecturer's Duty is to read twice a Week, *viz.* on *Mondays* and *Fridays*, between the Hours of one and two in the Afternoon, in the Hiſtory-School on *Lucius Florus* or any other ancient and approved Authors; at which Lectures all Batchelors of Arts, from the Time of their *Determinations*, and Students in Law, are obliged to attend.

May 17.

About the ſame Time was founded and endowed the *Moral Philoſophy* Lecture by *Thomas White* S. T. P. Treaſurer of the Church of *Saxum*, Prebendary of St. *Paul*'s in *London*, and Canon

Canon of *Chriſt-Church* in *Oxford*; who by a Deed enrolled for this End on the 24th of *June*, convey'd unto this Univerſity the Mannor of *Langdon-Hills*; out of the Rents of which Eſtate, beſides 100 *l. per ann.* to be paid to this Lecturer, he aſſign'd 50 *l. per ann.* to other charitable Uſes. See *Magdalen*-Hall, Page 455. This Founder appointed, that after his Death this Lecturer ſhould be choſen from five Years to five Years, by the Vice-Chancellor for the Time being, the Dean of *Chriſt-Church*, the Preſident of *Magdalen*-College, the Preſident of St. *John*'s College, and the two Proctors of the Univerſity of *Oxford* for the Time being; and he is obliged on *Tueſdays* and *Fridays*, at 8 a Clock in the Morning, to read on *Ariſtotle*'s *Ethicks*, *Politicks*, and *Oeconomicks*, in the *Moral Philoſophy*-School, to all Scholars of one Year's ſtanding, till they become Batchelors of Arts. *A. D.* 1624

In the Year 1619. Sir *Henry Savile* Knt. obſerving, that the Study of *Mathematicks* was very much neglected; and being deſirous to apply a Remedy thereunto, leſt that the ſame ſhould wholly decay; by Royal Authority, and with the Conſent of the Univerſity, founded and endow'd for ever two publick Lectures, the one in *Geometry*, and the other in *Aſtronomy*. The Profeſſor of *Geometry* is properly to read on the 13 Books of *Euclid*'s Elements, *Apollonius*'s Conick Sections, and all *Archimedes*'s Books; and expounding on the ſame, to leave his Notes and Obſervations thereon in the Univerſity Archives in Writing: It is moreover the Duty of this Profeſſor to teach and explain *Arithmetick* of all kinds, Practical *Geometry*, or Meaſuring of Land, *Muſick*, and *Mechanicks*, at a proper Seaſon moſt convenient for him. And for the better Fulfilling hereof, *Savile* has left him

him the Uſe of a Choice Library of *Mathematical* Books, Tables, Maps, and all Inſtruments relating thereunto; which being for the Service of each Profeſſor, they are oblig'd to render an Account thereof, and to make amends for the Loſs or Damage of them, according to the Indentures by them given to the Chancellor, Maſters, and Scholars of the Univerſity; and by the Oath taken by them at their Admiſſion.

The Profeſſor of Aſtronomy's Buſineſs is to explain the whole *Ptolemaick* Syſtem, and (in due ſeaſon) that of *Copernicus*, *Geber*, and other Modern Aſtronomical Diſcoveries; and to leave his Notes in Writing as aforeſaid: And it is moreover his Duty to teach and read on *Opticks*, *Dialling*, *Geography*, and *Navigation*, at proper Times; but he is prohibited the Doctrine of *Nativities*, and *Judicial Aſtrology*. Beſides publick Lectures in the Schools, the *Geometry*-Profeſſor is bound to inſtruct all Youth willing to learn, in practical *Arithmetick* once a Week (at leaſt) at his own Lodging, or ſome other adjacent Place, for the Space of an Hour. All Perſons from two Years ſtanding till one Year after Batchelor compleat, are to attend this Profeſſor; and then they are obliged to be preſent at *Aſtronomy*-Lectures, until they take their Maſter of Arts Degree, under the Pain of 6 *d.* Mulct for their Abſence *toties*, *&c.*

Theſe Profeſſors may be choſen out of any Nation in Chriſtendom, provided they be Perſons of good Reputation, and have a tolerable Knowledge in the *Greek* Tongue, and are alſo 26 Years of Age. And if he be an *Engliſhman*, then he muſt be of the Degree of a Maſter of Arts (at leaſt) without any Diſpenſation for want of Time, or doing of School-Exerciſe. And as often as either of theſe Profeſſorſhip

become

become vacant, the Vice-Chancellor is to ſignify the ſame in Writing unto the *Arch-Bp. of* Canterbury, *the Lord Chancellor of* Great Britain, *the Chancellor of this Univerſity, the Bp. of* Lond. *the Principal Secretary of State, the Chief Juſtices, the Ch. Baron of the Exchequer*, and *the Dean of the Arches*; who are to elect hereunto, and to be the Viſitors hereof; and then on a Tranſmiſſion of their Choice, the Perſon elected is admitted by the Univerſity in the Congregation-Houſe.

The *Savilian* Profeſſors, after their Admiſſion, are expreſly forbidden to accept of any Eccleſiaſtical Benefice *cum Curâ vel ſine Curâ*, or any Prebend, Canonry, Arch-Deaconry, Headſhip of any College, Hall or Hoſpital, or any Fellowſhip in either, or any publick Office in the Univerſity, under pain of loſing their Profeſſorſhips *ipſo facto:* And if either of them ſhall have ſuch Benefice, Place or Office (as aforeſaid) before his Admiſſion, he is oblig'd to part with the ſame within ſix Months from his Admiſſion, under the like Penalty. Thoſe Stipends which were formerly given to the four *Ordinary* Lecturers in the *Mathematicks*, are now equally divided between theſe two Profeſſors, who are in no wiſe obliged to attend Congregations or Convocations.

The *Anatomy* Lecture was founded by *Richard Tomlins*, who for the perpetual Succeſſion and Continuance thereof appointed the King's Profeſſor of *Phyſick* in the Univerſity for the Time being, to be the perpetual Reader of this *Anatomical* Lecture: And the ſaid Lecturer, by the Charter of K. *Charles* the Firſt, is impower'd every Spring, immediately after the *Lent* Aſſizes, to demand the dead Body of any condemn'd Malefactor, ſuffering Death within one and twenty Miles round *Oxford*, before it is interr'd, by 11 *Car.* 1.

by directing his Precept or Warrant to the Sheriff, Under-Sheriff, or his Bailiffs, *&c.* for procuring and delivering up the ſame; which Body ſhall be diſſected by a skilful Chirurgeon in the Preſence of this Profeſſor, who is publickly to read thereon, and to ſhew and deſcribe the Situation, Uſe, Nature and Office of all the Parts of the Body, at four diſtinct Lectures, as preſcrib'd in the Statute made for this purpoſe. This Lecturer is alſo every *Michaelmas* Term to read three diſtinct Lectures on a Skeleton, and to give an account of the Bones and their Office, Situation, *&c.* And to this Lecturer there is yearly paid by way of Penſion 25 *l. viz.* 12 *l.* 10 *s.* at *Lady-Day*, and the ſame at *Michaelmas*, out of which Penſion the Lecturer pays three Pounds to the Chirurgeon for preparing the Body, and 40 *s.* for burying it. All Students in *Phyſick*, and Chirurgeons, in the Univerſity, are oblig'd to hear this Profeſſor read his ſaid Lectures, under the Pain of 2 *s.* Mulct *toties quoties* abſent. The Chirurgeon is in the Nomination of the Profeſſor.

Sir *William Sedley*, of *Aylesford* in *Kent*, Knt. and Baronet, having been once a Student in this Univerſity, retain'd ſo great an Affection for his indulgent Mother, that by his laſt Will and Teſtament of the 29*th* of *October*, 1618. he bequeath'd the Sum of 2000 *l.* to this Univerſity, to be laid out in the Purchaſe of certain Lands, for the Endowment of a Lecture in *Natural Philoſophy*; and with this Money, after they had obtain'd a Licence of Mortmain, *Sedley*'s Exe-
A. D. 1620. cutors bought an Eſtate at *Waddeſdon* in *Buckinghamſhire* of 120 *l. per Ann.* and by a Deed Tripartite, made between *John Sedley* of *Aylesford* Baronet, on the one Part, *George Croke* of *Waterſtock*, Eſq; and *George Hirſt* (whoſe Eſtate this

this was) on the 2*d* Part, and the Chancellor, Maſters and Scholars on the 3*d* Part, this Eſtate was conveyed to the Univerſity for ever, for the aforeſaid Purpoſe. The Profeſſor of *Natural Philoſophy* reads twice a Week in full Term, *viz.* on *Wedneſdays* and *Saturdays* at Eight a Clock in the Morning, and is heard by all Batchelors of Arts, under the Pain of a Groat for Abſence in an Auditor, and Ten Shillings for the Profeſſor's not Reading.

In the Year 1626. *William Heyther*, Doctor of Muſick, for the Love he bore this Science or Faculty, founded at *Oxford* a Lecture therein, and endow'd the ſame with an Eſtate of 16 *l.* 6 *s.* 8 *d. per Ann.* at *Chiſlehurſt* in *Kent*, allowing to a Maſter of Muſick for Repair of Inſtruments and a Houſe, 13 *l.* 6 *s.* 8 *d.* and the other 3 *l.* for teaching the Theory thereof once (at leaſt) every Term; and as an Addition hereunto, *Heyther* pray'd the Univerſity to pay again the antient Salary of the *Moral Philoſophy* Lecture, *viz.* 40 *l.* 5 *s.* which the Convocation, in Complaiſance to this Benefactor, comply'd with, and accordingly decreed. As often as the Profeſſorſhip in Muſick becomes void, the Vice-Chancellor, Dean of *Chriſt-Church*, Preſident of *Magdalene* College, Warden of *New* College, and Preſident of St. *John*'s, for the Time being, have the Nomination and Approbation of a Succeſſor; as the Vice-Chancellor, Preſident of *Magdalene* College, and Warden of *All-Souls* College have for the ſupplying of a Vacancy in the *Natural Philoſophy* Lecture.

Before the *Cardinal Lectures* in *Divinity*, *Law*, *Phyſick*, *Philoſophy* and *Mathematicks*, which were for ſome time read in *Corpus Chriſti* College-Hall, could be confirm'd by Act of Parliament; they, with the College begun by *Wool-*

ſey,

ſey, were adjudg'd to the King by way of Forfeiture, upon the Score of a *Præmunire*, which the Cardinal had incurr'd. But the King, to recommend himſelf to Learning, with which he was ſo well acquainted, and to cut off all Occaſions of Complaint againſt him for ſuppreſſing *Woolſey*'s Munificence, he endow'd and ſettled Stipends on five Lectures himſelf; which Settlement notwithſtanding was not made by the King, until after a long Silence of Years: Yet before he reſolv'd on the founding of theſe Lectures,
27 & 28 *H.* 8. he founded a publick Lecture in each Univerſity, and reſerv'd to himſelf the Power of naming the Profeſſors, and the Faculties wherein they were to read: And for the Maintenance of theſe Lectures, he did by Conſent of Parliament remit Firſt-Fruits and Tenths to all Colleges, provided that both Univerſities, with the Colleges of *Eaton* and *Wincheſter*, did (in memory of him) celebrate two Anniverſaries, the one on the 8*th* of *May*, and the other on the 8*th* of *October*; and hereupon he made *Richard Smyth* his *Divinity* Profeſſor (being the firſt King's *Divinity* Profeſſor at *Oxford*) until ſuch time as he ſhould eſtabliſh his five other Lectures. But then King *Henry* the 8*th* ſuppreſſing theſe two
A. D. 1540. Lectures, he founded five others in each Univerſity, *viz.* in *Divinity*, *Hebrew*, *Greek*, *Law*, and *Phyſick*; to each of theſe Profeſſors he aſſign'd a yearly Revenue of 40 *l.* to be paid by the Dean and Chapter of *Weſtminſter* then newly founded: But the ſaid Dean and Chapter, that they might be exempt from ſo great a Charge, amounting in the whole to 400 *l.* by a Deed in Writing convey'd over to the King their Lands, Mannors, Rectories, *&c.* which were given to the Dean and Chapter of *Chriſt-Church*, and they oblig'd themſelves to pay

theſe

theſe Salaries to the Profeſſors of *Divinity*, *Greek* and *Hebrew*; and the other two Stipends of 40 *l. per Ann.* each, are paid out of the Royal Exchequer. But theſe are not all the Endowments belonging to theſe Lecturers: For to the *Divinity* is annex'd (beſides) a Canonry of *Chriſt-Church*, and the Rectory of *Ew-Elme* in *Oxfordſhire*; to the *Hebrew*, a Canonry of *Chriſt-Church*; to the *Law*, a Lay-Prebend in the Church of *Sarum*; and to the *Phyſick*, the Government of the Hoſpital at *Ew-Elme* aforeſaid. The Profeſſor of *Divinity* reads on *Mondays* and *Fridays* at Nine a Clock: And his Hearers are all Maſters of Arts of a Years ſtanding, until they become Doctors in *Divinity*, or are of Doctors ſtanding in this Faculty. The Law-Profeſſor reads on *Tueſdays* and *Thurſdays* on ſome Part of the Civil Law in Uſe here in this Realm: And his Hearers are all Students in Law till of Doctors ſtanding. The Phyſick-Profeſſor reads on *Tueſdays* and *Fridays*, at Eight in the Morning, on *Galen* or *Hippocrates*: And his Hearers are all Students in *Phyſick*, till of Doctors ſtanding. The *Hebrew*-Profeſſor reads on *Tueſdays* and *Thurſdays*, at One in the Afternoon, unto all Batchelors after their *Determinations*, till they are promoted to a Maſter's Degree, and one Year afterwards. Beſides theſe, there are Lectures in *Grammar*, *Rhetorick*, *Logick* and *Metaphyſicks*, which are not endow'd: But the *Arabick* Lecture, founded *anno* 1636. by Arch-Biſhop *Laud*, has a Stipend of 40 *l. per Ann.*

In the *Civil* Law all Profeſſors are called Doctors without any Diſtinction: And every Science is ſaid to be more noble (according to the *Canoniſts*) by how much the Subject it ſelf of ſuch Science is more noble and exalted, than *Abbas*, &c.

the Subject of another, as we ſay in the like Caſe, *tanto quis melior eſt quantò melioribus præeſt.* Thus the *Canoniſts* reckon the Subject of the *Canon* Law more noble than that of the *Civil* Law; becauſe the Subject of Knowledge in the *Civil* Law is Man as he may be directed to the common Good; but this Subject in the *Canon* Law, not only leads a Man to the Good of the Community, but alſo to the Knowledge and Glory of God, according to the Scriptures: But Doctors of Law ought to have the Precedence of Doctors of *Phyſick*, and Maſters of *Arts* (as they have in all Countries) becauſe their Science is of a more elevated Nature in reſpect of the Subject. But the Study of *Divinity* has a more noble Subject than all others; becauſe it principally treats of God himſelf, as appears from the Etymology of the Word *Theologia.* Under the Name or Title of Maſters come all Doctors of what Faculty ſoever they be; and by uſe in *Italy* it has obtain'd, that only ſuch as are promoted in Law, are ſtiled Doctors; but in other Faculties, they are called Maſters: Yea, all Profeſſors, or Perſons preſiding over any Science or Faculty, are term'd Maſters, according to the Derivation of the Word *Magiſter, à Magiſtrando,* as Doctors, *à Docendo.* Yet Scholars come not under the Appellation of Doctors and Maſters, altho' in a large Signification Doctors and Maſters are comprehended under the Stile of Scholars; ſince they are called Scholars from frequenting the Schools, and being at leiſure to attend Scholaſtick Exerciſes.

Scholaſtick Honours or Promotions are called *Degrees*, becauſe they are given *gradatim*, as Perſons by a Progreſs in Learning advance themſelves thereunto; and theſe Degrees are by Uni-

Univerſities granted to Scholars, as the honourable Rewards and Badges of their Studies. In all foreign Univerſities there are three Degrees, *viz.* That of a Batchelor, of a *Licentiate*, and of a *Doctor* or *Maſter*; for in *Philoſophy* and *Divinity* thoſe are named Maſters, and in *Law* only Doctors, as juſt now obſerved. When theſe ſpecial Honours or Ornaments of Degrees had their firſt Beginning do's not appear among Authors; but it is highly probable, they were as ancient as Univerſities themſelves. Accordingly, in every Univerſity, the firſt Degree there taken in any Faculty, after the End of a certain Term of Years by Statute preſcrib'd, is that of a Batchelor, receiving its Etymology, *à Baccha Lauri*; for in Laurel, thoſe ſmall or little *Pillulæ* are called *Bacchæ*, which this Tree buds forth as Flowers: And becauſe there is Hope from the Flower, this Term *Baccha-Lauri*, is given to young Students, in Hopes they will afterwards merit the Laurel Crown. In ſome Univerſities this Degree is not given on a ſtated Term of Years ſpent therein, but according to the Sufficiency and Learning of the Candidate on his Examination; who is examin'd by Doctors, Licentiates, *&c.* appointed for that End. But in other Univerſities, this Degree is not conferr'd without waiting the ſtatutable Time, which varies in many Places; in *Oxford* four Years, *Salamanca* five, *&c.* The Degree of a Licentiate is not in Uſe in either of our two Univerſities, ſo called from the Word *Licentia*, which is given to a Perſon of this Degree to aſcend to a Doctor's or Maſter's at his Pleaſure; wherefore a very ſtrict and rigorous Examination is requir'd for the ſame, ſince the higheſt Degree in Learning follows thereupon, *viz.* that of Doctor; who has ma-

Mid. de Acad. Lib. 1. p. 120.

ny ſuper-eminent Privileges granted him in the *Civil* and *Canon* Law, as may be ſeen in *Rebuffus*, *&c.* As to the Rewards and Salaries of Profeſſors, according to the Civil and Canon Law, they are either reckon'd as *Uſufructuaries*, or as *Penſioners*: *Uſufructuaries* are ſuch as are in Poſſeſſion of the Eſtate themſelves, out of which their Profits and Stipends do iſſue; and they have a Right to all the Profits which ſhall be ſeparated from the Eſtate during their time, whether received or not: Yet if they ſhall lett a Leaſe, and make the Rent payable to them and their Succeſſors, the Rent ſhall grow due to the Succeſſor, and not to the Executor, tho' the Profeſſor died the Day before the Time of Payment; for this is the Profeſſor's own Act, that it ſhou'd be ſo. Penſionaries, or Penſioners, are ſuch as are not in the Tenure and Occupation of the Eſtate themſelves; but have a Right to a Portion of the Profits thereof in the Poſſeſſion of another, ſo ſoon as they become payable: And ſuch are many of our Profeſſors at *Oxford*; who, if they die or quit their Lectures, before the Profits are due and payable, do loſe the ſame, for they go to their Succeſſors: Some will have it, that they ought to be paid *pro Ratâ Laboris*, which ſeems the more equitable Way; but Cuſtom muſt determine in all theſe Caſes.

An

An ACT *concerning the ſeveral Corporations of the Univerſities of* Oxford *and* Cambridge; *and the Confirmation of the Charters, Liberties and Privileges granted to either of them.*

Elizabeth R.

FOR the great Love and Favour that the Queen's moſt Excellent Majeſty beareth towards her Highneſſes Univerſities of *Oxford* and *Cambridge*, and for the great Care that the Lords and Commons of this preſent Parliament have, for the Maintenance of good and godly Literature, and the vertuous Education of Youth within either of the ſaid Univerſities; and to the Intent, that the ancient Privileges, Liberties, and Franchiſes of either of the ſaid Univerſities, heretofore granted, ratify'd and confirm'd by the Queen's Highneſs, and her moſt noble Progenitors, may be had in greater Eſtimation, and be of greater Force and Strength for the better Increaſe of Learning, and the further Suppreſſing of Vice: Be it therefore Enacted, by the Authority of this preſent Parliament, that the Right Honourable *Robert*, Earl of *Leiceſter*, now Chancellor of the ſaid Univerſity of *Oxford*, and his Succeſſors for ever, and the Maſters and Scholars of the ſame Univerſity for the Time being, ſhall be incorporated, and have a perpetual Succeſſion in Fact, Deed and Name, by the Name of the Chancellor, Maſters and Scholars of the Univerſity of *Oxford*, and by none other Name or Names, ſhall be called and named for evermore: And that they ſhall have a Common Seal to ſerve for their neceſſary Cauſes, touching and concerning the ſaid Chancellor, Maſters and Scholars of the

Rot. Parl. An. 13. Eliz. Num. 25. *in the Clerk of the Parliament's Office at* Weſtminſter.

‘ the ſaid Univerſity of *Oxford*, and their Suc-
‘ ceſſors. And likewiſe, that the Right Ho-
‘ nourable Sir *William Cecil*, Knight, and Ba-
‘ ron of *Burghley*, now Chancellor of the ſaid
‘ Univerſity of *Cambridge*, and his Succeſſors
‘ for ever, and the Maſters and Scholars of the
‘ ſame Univerſity of *Cambridge* for the Time
‘ being, ſhall be incorporated, and have a per-
‘ petual Succeſſion in Fact, Deed and Name,
‘ by the Name of the Chancellor, Maſters
‘ and Scholars of the Univerſity of *Cambridge*,
‘ and by none other Name or Names, ſhall
‘ be called and named for evermore: And that
‘ they ſhall have a Common Seal to ſerve for
‘ their neceſſary Cauſes, touching and concern-
‘ ing the ſaid Chancellor, Maſters and Scholars
‘ of the ſaid Univerſity of *Cambridge*, and
‘ their Succeſſors. And further, that as well
‘ the Chancellor, Maſters and Scholars of the
‘ ſaid Univerſity of *Oxford*, and their Succeſ-
‘ ſors, by the Name of Chancellor, Maſters
‘ and Scholars of the Univerſity of *Oxford*, as
‘ the Chancellor, Maſters and Scholars of the
‘ ſaid Univerſity of *Cambridge*, and their Suc-
‘ ceſſors, by the Name of Chancellor, Maſters
‘ and Scholars of the Univerſity of *Cam-*
‘ *bridge*, may ſeverally implead, and be im-
‘ pleaded, and ſue, and be ſued for all Manner
‘ of Cauſes, Quarrels, Actions real, perſonal
‘ and mixt, of whatſoever Kind, Quality, or
‘ Nature they be: And ſhall and may chal-
‘ lenge and demand all Manner of Liberties
‘ and Franchiſes, and alſo anſwer and defend
‘ themſelves, under and by the Name afore-
‘ ſaid, in the ſame Cauſes, Quarrels and Acti-
‘ ons, for every Thing and Things whatſoever,
‘ for the Profit and Right of either of the
‘ aforeſaid Univerſities to be done before any
‘ Manner of Judge, either Spiritual or Tem-
poral,

'poral, in any Courts and Places within the 'Queen's Highneſs Dominions whatſoever they 'be. And be it further Enacted, by the Au-'thority aforeſaid, That the Letters Patents 'of the Queen's Highneſs moſt Noble Father, 'King *Henry* the Eighth, made and granted to 'the Chancellor and Scholars of the ſaid Uni-'verſity of *Oxford*, bearing date the firſt Day 'of *April*, in the fourteenth Year of his Reign; 'and the Letters Patents of the Queen's Ma-'jeſty that now is, made and granted unto the 'Chancellor, Maſters and Scholars of the Uni-'verſity of *Cambridge*, bearing date the ſix and 'twentieth Day of *April*, in the third Year of 'her Highneſs moſt gracious Reign; and alſo 'all other Letters Patents by any of the Proge-'nitors or Predeceſſors of our ſaid Sovereign 'Lady, made to either of the ſaid corporated 'Bodies ſeverally, or to any of their Prede-'ceſſors of either of the ſaid Univerſities, by 'whatſoever Name or Names the ſaid Chan-'cellor, Maſters and Scholars of either of the 'ſaid Univerſities, in any of the ſaid Letters 'Patents have been heretofore named, ſhall 'from henceforth be good, effectual, and 'available in the Law, to all Intents, Conſtru-'ctions and Purpoſes, to the aforeſaid now 'Chancellor, Maſters and Scholars of either of 'the ſaid Univerſities, and to their Succeſſors 'for evermore, after and according to the 'Form, Words, Sentences, and true Meanings 'of every of the ſame Letters Patents, as am-'ply, fully and largely, as if the ſame Letters 'Patents were recited *Verbatim* in this preſent 'Act of Parliament; any thing to the contrary 'in any wiſe notwithſtanding. And further-'more, be it Enacted by the Authority afore-'ſaid, That the Chancellor, Maſters and Scho-'lars

‘ lars of either of the ſaid Univerſities ſeve-
‘ rally, and their Succeſſors for ever, by the
‘ ſame Name of Chancellor, Maſters and Scho-
‘ lars of either of the ſaid Univerſities of *Oxford*
‘ and *Cambridge*, ſhall and may ſeverally have,
‘ hold, poſſeſs, enjoy and uſe to them and their
‘ Succeſſors for evermore, all manner of Ma-
‘ nors, Lordſhips, Rectories, Parſonages, Lands,
‘ Tenements, Rents, Services, Annuities, Ad-
‘ vowſons of Churches, Poſſeſſions, Penſions,
‘ Portions and Hereditaments, and all manner
‘ of Liberties, Franchiſes, Immunities, Quie-
‘ tances and Privileges, View of Frank-Pledge,
‘ Law-Days, and other things whatſoever they
‘ be; the which either of the ſaid corporated
‘ Bodies of either of the ſaid Univerſities had,
‘ held, occupied, or enjoyed, or of Right ought
‘ to have had, held, uſed, occupied and enjoy-
‘ ed, at any time or times before the making
‘ of this Act of Parliament, according to the
‘ true Meaning as well of the ſaid Letters Pa-
‘ tents, made by the Noble Prince King *Henry*
‘ the Eighth, made and granted to the Chan-
‘ cellor and Scholars of the Univerſity of *Ox-*
‘ *ford*, bearing Date as is aforeſaid; as of the
‘ Letters Patents of the Queen's Majeſty, made
‘ and granted unto the Chancellor, Maſters and
‘ Scholars of the Univerſity, bearing Date as
‘ aforeſaid, and according to the true Intent
‘ and Meaning of all the other foreſaid Letters
‘ Patents whatſoever; any Statute or other
‘ thing or things whatſoever heretofore made
‘ or done to the contrary in any wiſe notwith-
‘ ſtanding. And be it further Enacted by the
‘ Authority aforeſaid, That all manner of In-
‘ ſtruments, Indentures, Obligations, Writings
‘ obligatory, and Recognizances, made or
‘ acknowledged by any Perſon or Perſons, or

‘ Body

'Body corporate, to either of the ſaid Univer-
'ſities, by what Name or Names ſoever the
'ſaid Chancellor, Maſters and Scholars of ei-
'ther of the ſaid Univerſities have been here-
'tofore called in any of the ſaid Inſtruments,
'Indentures, Obligations, Writings obliga-
'tory, or Recognizances, ſhall be from hence-
'forth available, ſtand and continue of good,
'perfect, and full Force and Strength to the
'now Chancellor, Maſters and Scholars of ei-
'ther of the ſaid Univerſities, and to their
'Succeſſors, to all Intents, Conſtructions and
'Purpoſes, altho' they, or their Predeceſſors,
'or any of them, in any of the ſaid Inſtru-
'ments, Indentures, Obligations Writings obli-
'gatory, or Recognizances, be named by any
'Name, contrary or divers to the Name of the
'now Chancellor, Maſters and Scholars of ei-
'ther of the ſaid Univerſities. And be it alſo
'Enacted by the Authority aforeſaid, That as
'well the ſaid Letters Patents of the Queen's
'Highneſs ſaid Father King *Henry* the Eighth,
'bearing Date as is before expreſſed, made and
'granted to the ſaid Corporate Body of the
'ſaid Univerſity of *Oxford*, as the Letters Pa-
'tents of the Queen's Majeſty aforeſaid granted
'to the Chancellor, Maſters and Scholars of
'the Univerſity of *Cambridge*, bearing Date as
'aforeſaid, and all other Letters Patents by
'any of the Progenitors or Predeceſſors of her
'Highneſs, and all manner of Liberties, Fran-
'chiſes, Immunities, Quietances and Privileges,
'Leets, Law-Days, and other things whatſo-
'ever therein expreſſed, given or granted to
'the ſaid Chancellor, Maſters or Scholars of
'either of the ſaid Univerſities, or to any of
'their Predeceſſors of either of the ſaid Uni-
'verſities, by whatſoever Name the ſaid Chan-
'cellor,

cellor, Maſters and Scholars of either of the ſaid Univerſities, in any of the ſaid Letters Patents be named, be, and by Virtue of this preſent Act, ſhall be from henceforth ratified, ſtabliſhed and confirmed unto the ſaid Chancellor, Maſters and Scholars of either of the ſaid Univerſities, and to their Succeſſors for ever; any Statute, Law, Uſage, Cuſtom, Conſtruction, or other thing to the contrary in any wiſe notwithſtanding. Saving to all and every Perſon and Perſons, Bodies politick and corporate, their Heirs and Succeſſors of every of them, other than the Queen's Majeſty, her Heirs and Succeſſors, all ſuch Rights, Titles, Intereſts, Leaſes, Entries, Conditions, Charges and Demands, which they and every of them had, might or ſhould have had, of, in, or to any of the Manors, Lordſhips, Rectories, Parſonages, Lands, Tenements, Rents, Services, Annuities, Advowſons of Churches, Penſions, Portions, Hereditaments, and all other things in the ſaid Letters Patents, or in any of them mentioned or compriſed by reaſon of any Right, Title, Charge, Intereſt or Condition to them, or any of them, or to the Anceſtors and Predeceſſors of them, or any of them, devolute or grown before the ſeveral Dates of the ſame Letters Patents, or by reaſon of any Gift, Grant, Demiſe, or other Act or Acts at any time made or done between the ſaid Chancellor, Maſters and Scholars of either of the ſaid Univerſities of *Oxford* and *Cambridge*, or any of them, and others, by what Name or Names ſoever the ſame were made or done, in like Manner and Form as they and every of them had or might have had the ſame before the making of this Act; any thing therein

'therein contained notwithſtanding. Provided 'always, and be it Enacted by the Authority 'aforeſaid, That this Act, or any thing there-'in contained, ſhall not extend to the Preju-'dice or Hurt of the Liberties and Privileges 'of the Right belonging to the Mayors, Bai-'liffs and Burgeſſes of the Town of *Cambridge*, 'and City of *Oxford*; but that they the ſaid 'Mayors, Bailiffs and Burgeſſes, and every 'of them, and their Succeſſors, ſhall be and 'continue free in ſuch Sort and Degree, and 'enjoy ſuch Liberties, Freedoms and Immuni-'ties as they or any of them lawfully may or 'might have done before the making of this 'preſent Act; any thing contained in this Act 'to the contrary notwithſtanding.

By an Act of Parliament made in the 21*ſt* of *Hen.* VIII. *cap.* 13. intituled, *Spiritual Perſons abridged from having Pluralities of Livings*, &c. it is provided by the 23d Section or Clauſe of the ſaid Act, 'That all Doctors 'and Batchelors of Divinity, Doctors of Law, 'and Batchelors of Law Canon, and every 'of them which ſhall be admitted to any the 'ſaid Degrees by any of the Univerſities of 'this Realm, and not by Grace only, may 'purchaſe Licence, and take and keep two 'Parſonages or Benefices with Cure of Souls: 'So that always the ſaid Liberty to purchaſe 'Licence, or Diſpenſation, and take, receive 'and keep more Benefices than one, be taken 'and underſtood after the Manner and Form 'aforeſaid, to extend in Number to no more 'Benefices with Cure of Souls than one. And by the 28th Section or Clauſe of this Act, it is provided, 'That this Act of Non-Reſidence 'ſhall not in any wiſe extend, nor be prejudi-'cial to any Scholar or Scholars being conver-

'ſant

'ſant and abiding for Study, without Fraud or 'Covin, at any Univerſity within this Realm, 'or without. And by the 26th Section or Clauſe of this Act, it is Enacted, 'That in 'Caſe any Spiritual Perſon, at any time after 'this Act ſhould take Effect and be in Force, 'did not keep his Reſidence, as herein expreſ-'ſed and commanded, but abſent himſelf wil-'fully by the Space of one Month together, 'or by the Space of two Months, to be ac-'counted at ſeveral times in one Year, and 'make his Reſidence and Abiding in any other 'Places by ſuch time, that he ſhould forfeit 'for every ſuch Default ten Pounds Sterling, 'the one Moiety to the King, and the other 'Moiety to the Party that will ſue for the ſame 'in any of the King's-Courts by Original Writ 'of Debt, Bill, Plaint or Information: In 'which Action or Suit the Defendant ſhall not 'wage his Law, nor have any Eſſoin or Prote-'ction allowed." But ſince the making of this good Act and Statute, divers and many Perſons being beneficed with Cure of Souls, and not being apt to Study by reaſon of their Age or otherwiſe, never intending before the making of the ſaid Act, to travail in Study within any the ſaid Univerſities for the Increaſe of Learning, but rather minding and intending their own Eaſe, ſingular Lucre and Pleaſure, by the ſame Proviſion colourably to defraud the ſame good Statute and Ordinance, do daily and commonly reſort and repair to the ſaid Univerſities of *Oxford* and *Cambridge*, and to either of them, where they under the ſaid Pretence and Colour of Study, do continue and abide, living diſſolutely, nothing profiting themſelves by Study at all in Learning, but conſume the time in Idleneſs, and in other Paſtimes

ſtimes and inſolent Pleaſures, giving Occaſion and evil Example thereby to other young Men and Students within the ſaid Univerſities, little or nothing regarding their Cure and Charge of Souls, contrary to the Minds and Intents of the Makers of the aforeſaid good Statute and Ordinance: And alſo divers and many old Beneficed Men have and do continually remain there, never exerciſing nor practiſing their Learning to the Example of Virtue, and Maintenance of the Common-weal, in Diſcharge of their Conſcience, according to their Duty, having nevertheleſs, and occupying ſuch Rooms and Commodities as were inſtituted and ordained for the Maintenance of poor Scholars, to the great Hindrance and Detriment of the ſame.

'Be it therefore enacted, by the King our 'ſovereign Lord, with the Aſſent of the Lords 'Spiritual and Temporal, and the Commons in 'this preſent Parliament aſſembled, That all 'and ſingular Spiritual Perſon and Perſons, which 'now be, or hereafter ſhall be, to any Benefice 'or Benefices promoted as is aforeſaid, being a-'bove the Age of 40 Years, (the Chancellor, 'Vice-Chancellor, Commiſſary of the ſaid Uni-'verſities, or any of them, Wardens, Deans, 'Provoſts, Preſidents, Rectors, Maſters, Prin-'cipals, and other Head-Rulers of Colleges, 'Halls, and other Houſes or Places Corporate 'within the ſaid Univerſities, or any of them, 'Doctors of the Chair, Readers of Divinity in 'the common Schools of Divinity in any of the 'ſaid Univerſities, only excepted) ſhall be re-'ſident and abiding at and upon one of their 'ſaid Benefices, according to the Intent and true 'Meaning of the ſaid former Act, upon ſuch 'Pain and Penalties as be contained in the ſaid 'former Act, and appointed for ſuch Beneficed

'Per-

'Perſons, for their Non-Reſidence. And that 'none of the ſaid Beneficed Perſons being above 'the Age aforeſaid, except as before excep- 'ted, ſhall from henceforth be excuſed of their 'Non-Reſidence upon the ſaid Benefices, for 'that they be Students or Reſiant within the 'ſaid Univerſities, or any of them: any Pro- 'viſo or any other Clauſe or Sentence ſpeci- 'fied or contained in the ſaid former Act of 'Non-Reſidence, or any other thing or things 'to the contrary hereof in any wiſe notwith- 'ſtanding.

'And over this, be it enacted by the Autho- 'rity aforeſaid, That all and ſingular ſuch be- 'neficed Perſons being under the Age of 40 'Years, reſiant and abiding within the ſaid U- 'niverſities, or any of them, ſhall not enjoy 'the Privilege and Liberty of Non-Reſidence, 'contained in the Proviſo of the ſaid former 'Act, made for the Scholars of the ſaid Uni- 'niverſities, or any of them, unleſs he or they 'be preſent at the ordinary Lecture and Le- 'ctures, as well at home in their Houſes, as in 'the common Schools; and in their proper 'Perſons keep Sophems, Problems, Diſputa- 'tions, and other Exerciſes of Learning, and 'be Opponent and Reſpondent in the ſame, ac- 'cording to the Ordinances and Statutes of ei- 'ther of the ſaid Univerſities, where he or they 'ſhall be ſo abiding or reſiant; any thing con- 'tained in the ſaid Proviſo or former Act to the 'contrary notwithſtanding.

'Provided alway, that this Act, nor any 'thing therein contained, ſhall not extend to 'any Perſon or Perſons, which now is, or here- 'after ſhall be, Readers of any publick or com- 'mon Lecture in Divinity, Law Civil, Phyſick, 'Philoſophy, Humanity, or of any of the Li-

'beral

'beral Sciences, or publick or common Inter-
'preters or Teachers of the *Hebrew* Tongue,
'*Chaldee* or *Greek*, in whatſoever College or Place
'of any of the ſaid Univerſities, the ſaid Per-
'ſons for the Time being, ſhall read the ſaid
'common or publick Lectures: Nor yet to any
'Perſon or Perſons after or above the Age of
'40 Years, which ſhall reſort to any of the ſaid
'Univerſities, to proceed Doctors in Divinity,
'Law Civil or Phyſick, for the Time of their
'ſaid Proceedings, and executing of ſuch Ser-
'mons, Diſputations or Lectures, which they
'be bound by the Statutes of the Univerſities
'there to do, for the ſaid Degrees ſo obtain'd.

By a Clauſe in an Act of Parliament made in the third Year of King *Henry* VIII. Chap. 11. entitl'd, *An Act for the Appointing of Phyſicians and Surgeons*, it is provided, 'That this Act,
'nor any thing therein contain'd, be in no wiſe
'prejudicial to the Univerſities of *Oxford* and
'*Cambridge*, or either of them, or to any Privi-
'leges granted to them. The Intent and Pur-
'port of this Act is to prevent and reſtrain ig-
'norant Perſons exerciſing and practiſing the
'Science and Cunning of Phyſick and Surgery,
'without due Examination, Approbation and
'Admiſſion, as therein is preſcribed and dire-
'cted. And again, the Privileges of the Uni-
verſities of *Oxford* and *Cambridge* are ſaved by a Clauſe or Proviſo in an Act of the 14th of *H.* 8. *cap.* 2. relating to what Apprentices ſtrange Artificers ſhall take, *&c.* for that Act does not extend to the 'Inhabitants, Strangers that now
'be, or hereafter ſhall be, in the Univerſities
'of *Oxford* and *Cambridge*. And by another Clauſe or Proviſo in an Act of 21 *Hen.* 8. *c.* 16. touching this or the like Purpoſe, the Privileges of the Univerſities of *Oxford* and *Cambridge* are ſaved.

ſaved. ‘ Provided always, That no Artificer, ‘ Alien or Stranger, born out of the King's O- ‘ beiſance, being a Houſholder, or inhabiting ‘ within any of the Univerſities of *Oxford* and ‘ *Cambridge*—— ſhall from henceforth have or ‘ retain in their Service Journey-men or Ap- ‘ prentices, being Aliens or Strangers born a- ‘ bove the Number of Ten Perſons at one Time, ‘ upon pain of the Penalty contain'd in the ſaid ‘ Act, made in the 14th and 15th Year of our ‘ ſaid Sovereign Lord, the Proviſion contained ‘ or ſpecified in the ſame Act notwithſtanding.

By an Act of Parliament made in the 2d and 3d of *Phil.* and *Mary*, *cap.* 15. It is provided in Favour of the Univerſities, ‘ That no Purveyor, ‘ Taker, Badger, Loader, or other Miniſter, ‘ may or ſhall take or bargain for any Victuals ‘ or Grain, in any of the Markets of *Oxford* or ‘ *Cambridge*, or in any part of the City or Town ‘ of *Oxford* or *Cambridge*, or within five Miles ‘ Compaſs of either of them, without the Con- ‘ ſent, Agreement and good Will of the Owner ‘ or Owners; nor ſhall they take away, or bar- ‘ gain for, any Commodity, bought or provi- ‘ ded within the ſaid five Miles, by any Mini- ‘ ſter of any College or Hall, there to be ſpent ‘ in ſuch College or Hall, in Pain to forfeit the ‘ quadruple Value thereof, and to ſuffer three ‘ Months Impriſonment without Bail. And the ‘ Chancellor, Vice-Chancellor, or his Commiſ- ‘ ſary, in either of the ſaid Univerſities, with ‘ two Juſtices of the Peace of the County ad- ‘ jacent, have Power to enquire, hear and de- ‘ termine, the ſaid Offences. And the For- ‘ feitures ſhall be divided betwixt the Univerſi- ‘ ty, where ſuch Offence is or ſhall be commit- ‘ ted, and the Proſecutor, and may be recover- ‘ ed in any Court of Record, or before the ſaid

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'Chancellor, Vice-Chancellor, or Commiſſa-
'ry, and two Juſtices of the Peace. But this
'Act ſhall not be put in Execution at any Time
'or Times whenſoever the Queen, her Heirs
'or Succeſſors, ſhall be preſent in either of the
'two ſaid Univerſities, or within ſeven Miles
'Diſtance therefrom, and ſhall be ſuſpended
'during ſuch Time only and no longer. *Note*, by this Act the Liberties of the Mayors, Bayliffs and Commonalties of *Oxford* and *Cambridge*, are ſaved. See the Act at large.

By a Clauſe or Proviſo in an Act of Parliament made in the 7th Year of King *Edw.* VI's Reign, Chap. 5. it is provided, 'That this Act,
'or any thing therein contain'd, ſhall not in any
'wiſe be prejudicial or hurtful to any of the U-
'niverſities of *Oxford* and *Cambridge*, or to the
'Chancellor or Scholars of the ſame, or their
'Succeſſors, or any of them, to impair or take
'away any of the Liberties, Privileges, Fran-
'chiſes, Juriſdictions, Powers or Authorities,
'to them or any of them appertaining and be-
'longing; but that they, and every of them,
'and their Succeſſors, may have, hold, uſe and
'enjoy, all their Liberties, Privileges, Fran-
'chiſes, Juriſdictions, Powers and Authorities,
'in ſuch large and ample wiſe, as though this
'Act had never been had or made; ſo always
'that there be not any more or greater Num-
'ber of Taverns kept or maintain'd within any
'of the ſaid Towns of *Oxford* or *Cambridge* than
'may be lawfully kept and maintained by the
'Proviſion, true Meaning and Intent of this
'Statute; any thing in this Proviſo mention'd
'to the contrary notwithſtanding. And

By a Clauſe in an Act of 12 *Car.* 2. *c.* 25. entituled, *An Act for the better ordering the Selling of Wines by Retail, and for Preventing the Abuſes in*

Mingling, Corrupting, and Vitiating of Wines, and for Settling and Limiting the Prices of the ſame; it is provided always, 'That this Act, nor any thing therein contained, ſhall not in any wiſe be prejudicial to the Privileges of the two Univerſities of this Land, or either of them, nor to the Chancellors or Scholars of the ſame, or their Succeſſors; but that they may uſe and enjoy ſuch Privileges as heretofore they have lawfully uſed and enjoy'd, any thing herein to the contrary notwithſtanding. And by a Clauſe in one other Act of Parliament, made in the 15th of *Car.* 2. *cap.* 14. entituled, *An Act for Settling the Profits of the Poſt-Office, and Power of Granting Wine-Licenſes, &c.* it is provided, 'That this Act, or any thing therein contain'd, ſhall not in any wiſe be prejudicial to the Privileges of the two Univerſities of this Kingdom, or either of them, or to the Chancellor or Scholars of the ſame, or their Succeſſors, *&c.* as in the foregoing Clauſe of the 12th. And by a Clauſe in the latter End of this Act it is provided, 'That all Letters and other things may be ſent or conveyed to or from the ſaid two Univerſities, in manner as heretofore hath been uſed, any thing herein to the contrary notwithſtanding.

By a Statute made in the firſt Year of Queen *Eliz.* Chap. 4. it is thus provided; 'That all Grants, Immunities and Liberties, given to the Univerſities of *Cambridge* and *Oxford*, or to any College or Hall in either of the ſaid Univerſities, and to the Colleges of *Eaton* and *Wincheſter*, and unto every or any of them, by our late Sovereign Lord King *Henry* VIII. or any other the Queen's Highneſs Progenitors or Predeceſſors, or by any Act of Parliament, for or touching the Releaſe or Diſcharge of

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'firſt Fruits and Tenths, or any Part thereof, 'ſhall be always, and remain in their full Strength 'and Virtue; and that all ſuch lawful Convey-'ances and Aſſurances in Law, as were had or 'made before the making of this Act, to either 'of the ſaid Univerſities of *Oxford* or *Cambridge*, 'or to any College or Hall within any of them, 'by what Name or Names ſoever they, or ei-'ther of them be incorporated or named, of a-'ny Parſonages or Benefices impropriate, or of 'any Part of the ſame, or of any Patronages for 'the Maintenance of Students or Learning, 'ſhall be as good and effectual in the Law, to all 'Intents, Conſtructions and Purpoſes, as tho' 'this Act had never been made.

By a Clauſe in an Act of Parliament made in the firſt Year of K. *James* I. Chap. 22. entituled, *An Act concerning Tanners, Curriers, Shoomakers, and other Artificers, occupying the Cutting of Leather*; it is provided, 'That this Act, nor 'any thing therein contain'd, ſhall not in any 'wiſe be prejudicial or hurtful to the Chancellors, 'Vice-Chancellors, Proctors, Taxers, and Scho-'lars, their Officers, Miniſters, Aſſigns or Far-'mers, of the Univerſities of *Oxford* and *Cam-'bridge*, or any of them, of, for or concerning, 'the Authority of Search of Tanned Leather, 'or any of the Forfeitures of the ſame, which 'they lawfully had, or might have had, before 'the making of this preſent Act; ſo as they do 'in all things obſerve ſuch Order in, about or 'for, Searching, Sealing and Regiſtring of 'Leather, as by this Act is preſcribed and ap-'pointed, upon the Pain therein contain'd, any 'thing therein contain'd to the contrary not-'withſtanding.

By a Clauſe in an Act of Parliament, made in the third Year of the Reign of K. *James* the 1ſt,

Mingling, Corrupting, and Vitiating of Wines, and for Settling and Limiting the Prices of the ſame; it is provided always, 'That this Act, nor any thing therein contained, ſhall not in any wiſe be prejudicial to the Privileges of the two Univerſities of this Land, or either of them, nor to the Chancellors or Scholars of the ſame, or their Succeſſors; but that they may uſe and enjoy ſuch Privileges as heretofore they have lawfully uſed and enjoy'd, any thing herein to the contrary notwithſtanding. And by a Clauſe in one other Act of Parliament, made in the 15th of *Car.* 2. *cap.* 14. entituled, *An Act for Settling the Profits of the Poſt-Office, and Power of Granting Wine-Licenſes, &c.* it is provided, 'That this Act, or any thing therein contain'd, ſhall not in any wiſe be prejudicial to the Privileges of the two Univerſities of this Kingdom, or either of them, or to the Chancellor or Scholars of the ſame, or their Succeſſors, *&c.* as in the foregoing Clauſe of the 12th. And by a Clauſe in the latter End of this Act it is provided, 'That all Letters and other things may be ſent or conveyed to or from the ſaid two Univerſities, in manner as heretofore hath been uſed, any thing herein to the contrary notwithſtanding.

By a Statute made in the firſt Year of Queen *Eliz.* Chap. 4. it is thus provided; 'That all Grants, Immunities and Liberties, given to the Univerſities of *Cambridge* and *Oxford*, or to any College or Hall in either of the ſaid Univerſities, and to the Colleges of *Eaton* and *Wincheſter*, and unto every or any of them, by our late Sovereign Lord King *Henry* VIII. or any other the Queen's Highneſs Progenitors or Predeceſſors, or by any Act of Parliament, for or touching the Releaſe or Diſcharge of

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'first Fruits and Tenths, or any Part thereof, 'shall be always, and remain in their full Strength 'and Virtue; and that all such lawful Convey-'ances and Assurances in Law, as were had or 'made before the making of this Act, to either 'of the said Universities of *Oxford* or *Cambridge*, 'or to any College or Hall within any of them, 'by what Name or Names soever they, or ei-'ther of them be incorporated or named, of a-'ny Parsonages or Benefices impropriate, or of 'any Part of the same, or of any Patronages for 'the Maintenance of Students or Learning, 'shall be as good and effectual in the Law, to all 'Intents, Constructions and Purposes, as tho' 'this Act had never been made.

By a Clause in an Act of Parliament made in the first Year of K. *James* I. Chap. 22. entituled, *An Act concerning Tanners, Curriers, Shoo-makers, and other Artificers, occupying the Cutting of Leather*; it is provided, 'That this Act, nor 'any thing therein contain'd, shall not in any 'wise be prejudicial or hurtful to the Chancellors, 'Vice-Chancellors, Proctors, Taxers, and Scho-'lars, their Officers, Ministers, Assigns or Far-'mers, of the Universities of *Oxford* and *Cam-'bridge*, or any of them, of, for or concerning, 'the Authority of Search of Tanned Leather, 'or any of the Forfeitures of the same, which 'they lawfully had, or might have had, before 'the making of this present Act; so as they do 'in all things observe such Order in, about or 'for, Searching, Sealing and Registring of 'Leather, as by this Act is prescribed and ap-'pointed, upon the Pain therein contain'd, any 'thing therein contain'd to the contrary not-'withstanding.

By a Clause in an Act of Parliament, made in the third Year of the Reign of K. *James* the 1st,

Chap. 5th, entituled, *An Act to prevent and avoid Dangers, which may grow by Popiſh Recuſants*, it is enacted, 'That the Chancellor and Scholars of the Univerſity of *Oxford*, ſo often as 'any *Benefice with Cure or without Cure, Prebend*, 'or any other *Eccleſiaſtical Living or Free-School*, 'Hoſpital or Donative whatſoever, in the Nomi'nation, Preſentation, or Collation of a Popiſh 'Recuſant Convict, during the Time of ſuch Recu'ſancy or Diſability, ſhall be void, ſhall have 'the Preſentation, Nomination, Collation and 'Donation of and to every ſuch Benefice, Pre'bend or Eccleſiaſtical Living, School, Hoſpi'tal and Donative, ſet, lying and being in the 'Counties of *Oxford*, *Kent*, *Middleſex*, *Suſſex*, 'Surrey, *Hampſhire*, *Berkſhire*, *Buckinghamſhire*, 'Gloceſterſhire, *Worceſterſhire*, *Staffordſhire*, *War*'wickſhire, *Wiltſhire*, *Somerſetſhire*, *Devonſhire*, 'Cornwall, *Dorſetſhire*, *Herefordſhire*, *Northamp*'tonſhire, *Pembrokeſhire*, *Carmarthenſhire*, *Breck*'nockſhire, *Monmouthſhire*, *Cardiganſhire*, *Mont*'gomeryſhire, the City of *London*, and in every 'City and Town being a County of it ſelf, ly'ing and being within any of the Limits or 'Precincts of any of the Counties aforeſaid, or 'in or within any of them, as ſhall happen to be 'void, during ſuch Time as the Patron thereof 'ſhall be and remain a Recuſant convict: But 'the Chancellor, *&c.* ſhall not confer ſuch Be'nefice upon a Man already beneficed; and if 'they do, ſuch Preſentation, Nomination, *&c.* 'ſhall be utterly void. And,

By a Clauſe in an Act of Parliament, made in the firſt Year of K. *William* and Q. *Mary*, Seſſ. 1. Chap. 26. it is provided, 'That Per'ſons refuſing or neglecting to repeat and ſub'ſcribe the Declaration mention'd in one of this 'preſent Parliaments, entituled, *An Act for the*

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better ſecuring the Government by diſarming Papiſts and reputed Papiſts, when tender'd by two or more Juſtices of the Peace, or forbearing to appear before them upon Notice, as the ſaid Act directs, and ſhall thereupon have their Names and Places of Abode certified and recorded at the General Quarter-Seſſions, as by the ſaid Act is appointed, ſhall be diſabled to make any Preſentation, Collation, Nomination or Donation, or any Grant of any Avoidance of any Benefice or Eccleſiaſtical Living, as if ſuch Perſon were a Popiſh Recuſant convict: And the Chancellors and Scholars of the two Univerſities reſpectively, ſhall have the Preſentation, Nomination, &c. of and to every ſuch Benefice, &c. being within their reſpective Counties, and other the Places and Limits mentioned in the Act of the 3d of K. James I. Ch. 5th; provided, that the ſaid Chancellor and Scholars ſhall not preſent or nominate any Perſon, that ſhall then have any Benefice with Cure of Souls; but that ſuch Preſentation ſhall be void.

By a private Act of Parliament made in the 13th Year of Henry the 4th, confirming the 13th of Rich. the 2d, a Power is given to the Arch-Biſhop, to viſit the Chancellor, Scholars, &c. of the Univerſities, which was perſonal, in order to keep out Hereſies and *Lollards*. This Statute was made upon complaint that the Arch-Biſhop and Founders were depriv'd of the Power of enquiring into and puniſhing of Hereſies, &c.

By an Act made in the 8th Year of her preſent Majeſty, entituled, *An Act for the Encouragement of Learning, by veſting the Copies of printed Books in the Authors or Purchaſers of ſuch*

Copies, during the Times therein mentioned, among other things it is provided, ‘That if any Bookſeller or Bookſellers, Printer or Printers, ſhall after the 25th of *March*, 1710. ſet a Price upon, or ſell, or expoſe to Sale any Book or Books, at ſuch a Price or Rate, as ſhall be conceiv'd by any Perſon or Perſons to be high and unreaſonable; it ſhall and may be lawful for any Perſon or Perſons to make Complaint thereof *(within the Univerſities)* to the Vice-Chancellors thereof for the Time being, who ſhall and have hereby full Power and Authority, from Time to Time, to ſend for, ſummon or call before them, ſuch Bookſeller or Bookſellers, Printer or Printers, and to examine and enquire of the Reaſon of the Dearneſs and Inhauncement of the Price or Value of ſuch Book or Books by him or them ſo ſold or expoſed to Sale; and if on ſuch Enquiry and Examination, it ſhall be found, that the Price of ſuch Book or Books is inhaunced, or any ways too high or unreaſonable, then, and in ſuch caſe, the Vice-Chancellor of either Univerſity have hereby full Power and Authority to reform and redreſs the ſame, and to limit and ſettle the Price of every ſuch printed Book and Books, from Time to Time, according to the beſt of their Judgments, and as to them ſhall ſeem juſt and reaſonable; and in caſe of Alteration of the Rate or Price from what was ſet or demanded by ſuch Bookſeller or Bookſellers, Printer or Printers, to award and order ſuch Bookſeller and Bookſellers, Printer and Printers, to pay all the Coſts and Charges, that the Perſon or Perſons ſo complaining ſhall be put unto, by reaſon of ſuch Complaint, and of the cauſing ſuch Rate or Price to be ſo limited and ſettled; all

‘ which

'which ſhall be done by the Vice-Chancellors 'of the two Univerſities in *England*, or either 'of them, by Writing thereof under their 'Hands and Seals, and thereof publick Notice 'ſhall be forthwith given by the ſaid Bookſeller 'or Booksellers, Printer or Printers, by an Ad-'vertiſement in the *Gazette*; and if any Book-'ſeller or Booksellers, Printer or Printers, after 'ſuch Settlement made of the ſaid Rate or Price, 'ſhall ſell or expoſe to Sale any Book or Books, 'at a higher or greater Price than what ſhall 'have been ſo limited and ſettled as aforeſaid; 'then and in every ſuch Caſe ſuch Bookſeller 'and Booksellers, Printer and Printers, ſhall 'forfeit the Summ of Five Pounds for every 'ſuch Book ſo by him, her or them ſold or 'expoſed to Sale; one Moiety thereof to the 'Queen's Moſt Excellent Majeſty, her Heirs 'and Succeſſors, and the other Moiety to any 'Perſon or Perſons that ſhall ſue for the ſame, 'to be recovered with Coſts of Suit, in any of 'Her Majeſty's Courts of Record at *Weſtmin-'ſter*, by Action of Debt, Bill, Plaint, or In-'formation, in which no Wager of Law, Eſ-'ſoign or Protection, or more than one Impar-'lance ſhall be allowed.

'Provided always, and it is hereby enacted, 'that Nine Copies of each Book or Books, up-'on the beſt Paper, to be printed and publiſhed 'as aforeſaid, or reprinted and publiſhed with 'Additions, ſhall by the Printer and Printers 'thereof be delivered to the Warehouſe-keeper 'of the Stationers Company for the Time be-'ing, at the Hall of the ſaid Company, before 'ſuch Publication made, for the Uſe of the 'Royal Library, the Libraries of the Univer-'ſities of *Oxford* and *Cambridge*, the Libraries 'of the four Univerſities in *Scotland*, *Sion-Col-*

'*lege* Library in *London*, and the Library belonging to the Faculty of Advocates at *Edinburgh* reſpectively; which Warehouſe-keeper is hereby required, within ten Days after Demand by the keepers of the reſpective Libraries, or any Perſon or Perſons by them or any of them authorized to demand the ſaid Copy, to deliver the ſame for the Uſe of the ſaid Libraries; and if any Proprietor, Bookſeller or Printer, or the ſaid Warehouſe-keeper, ſhall not obſerve the Directions of this Act, he ſhall forfeit, beſides the Value of the ſaid printed Copies, the Sum of five Pounds for every Copy not ſo delivered, as alſo the Value of the ſaid printed Copy not ſo delivered; the ſame to be recovered by the Chancellor, Maſters and Scholars of any of the ſaid Univerſities, *&c.* Nothing in this Act ſhall extend, either to prejudice or confirm any Right that the ſaid Univerſities, or any Perſon or Perſons, have or claim to have, to the Printing or Reprinting any Book or Copy already printed, or hereafter to be printed.

'All Actions, Suits, Bills, Informations, *&c.* for any Offence againſt this Act, ſhall be commenced within three Months next after ſuch Offence committed, or elſe the ſame ſhall be void: And after the Expiration of fourteen Years, the ſole Right of Printing or Diſpoſing of Copies ſhall return to the Authors thereof, if they are then living, for another Term of fourteen Years.

A Compoſition made between the Univerſity and Town of Oxford.

THis Indenture, made the 23*d* Day of *February*, in the 37*th* Year of the Reign of King *Henry* the Sixth, between Mr. *Thomas Chaundler*, Doctor of Divinity and Chancellor of *Oxenford*, and the Scholars of the Univerſity, on the one Party, and *Rob. Atwood*, Mayor of the Town of *Oxenford*, and the Burgeſſes and Commoners of the ſame Town on the other Party, *witneſſeth:* Whereas divers Diſſenſions, Controverſies and Debates, have been lately had and moved between the ſaid Chancellor and Scholars and their Predeceſſors on the one Party, and the ſaid Mayor, Burgeſſes and Commonalty and their Predeceſſors on the other Party, eſpecially of and in three Points following. *Firſt*, for the Demeaning and Deliverance of all manner of Scholars of the ſaid Univerſity, their Servants and all other Perſons having the Privilege of the ſaid Univerſity, being arreſted and impriſoned in the ſaid Town, under the Keeping of the Mayor and Burgeſſes thereof, or any of them, for any Felony or Teaſon, in the common Priſon of the ſaid Town, claimed by a Privilege granted to the ſaid Univerſity by King *Henry* the 4*th*. The *ſecond*, for the Privilege, that the ſaid Chancellor, Scholars, their Servants and others having the Privilege of the ſaid Univerſity, claim to have in every Parle or Action commenced or taken by them or againſt them, or any of them, in the King's Court, holden in the Guild-Hall of the ſaid Town, before the Mayor, Bailiffs, or any of them. The *third* for the Correction and Puniſhment

niſhment of any Aſſault or Affray, or Weapon drawn againſt the King's Peace within the ſaid Univerſity, by any Perſon of the ſaid Town, or any other not being of the ſaid Univerſity, nor having the Privilege thereof, that by the Commandment, Aſſent and Agreement of the Moſt Chriſtian Prince our ſaid Sovereign, the ſaid Parties be agreed and accorded of and upon the Premiſſes in the Manner and Form that followeth. Firſt, as to the Point and Article before firſt rehearſed, it is accorded and agreed, that the ſaid Mayor, Bailiffs and Burgeſſes, and Commonalty of the ſaid Town, ſhall ſuffer from henceforward, as far as they can or may, the Chancellor, Scholars, and all other under the Privilege of the ſaid Univerſity, peaceably to enjoy and uſe the Privileges, of which above is made mention; ſo that the ſaid Mayor, Bailiffs and Burgeſſes, for ſuch Deliverance by them to be made, have a ſufficient and lawful Diſcharge for the ſaid Priſoner, if the ſame Priſoner be claimed by the ſaid Chancellor or his Steward for the Time being, within four Weeks after his Taking and Impriſonment in the Common Priſon; ſo that the ſaid Chancellor, his Steward, and other of them, do their true Part and effectual Diligence without Fraud, that the ſaid Priſoner be deliver'd, acquit or attaint of ſuch Treaſon or Felony, for the which he was arreſted and ſo impriſoned, within 12 Weeks next after the Deliverance of the ſaid Priſoner to the ſaid Chancellor or his Steward ſo made: Provided always, that the Goods and Chattles of any ſuch Priſoner, ſo arreſted, be arreſted and put in ſure and ſafe Guard, by the Chancellor and the Mayor for the Time being, unto the Time that the ſaid Priſoner, ſo arreſted, be acquit or attaint of the ſaid Felony or Treaſon,

or

or of any other before the ſaid Steward at that Time attainted; to that intent, that at ſuch Time that any ſuch Priſoner be attaint, that then the ſaid Goods and Chattles be delivered unto the ſaid Mayor or Bailiffs for the Time being, as a Thing pertaining to the Fee-Farm of the ſaid City. *And alſo to the ſecond Point* and Article of Traverſe between the ſaid Parties, it is accorded by the ſaid Parties, that from hence forward theſe and none other enjoy the Privileges of the Univerſity; *that is to ſay*, the Chancellor, Doctors, Maſters, and other Graduates; all Students and Scholars, and all Clerks dwelling within the Precincts of the Univerſity, of what Condition, Degree or Order ſoever they be; every daily continual Servant to any of them before rehearſed belonging; the ſaid Steward of the Univerſity, and ſeed Men of the ſame Univerſity, with their Menial Servants; alſo all Beadles with their daily Servants and their Houſholds; all Stationers, Bookbinders, Limners, Writers, Pargemeners, Barbers, the Bell-ringer of the Univerſity, with all their Houſholds; all Catours, Manciples, Spenſers, Cooks, Lavenders, poor Children of Scholars within the Precincts of the ſaid Univerſity; alſo all other Servants taking Cloathing or Hire by the Year, Half Year, or Quarter of the Year, taking at the leaſt for the Year ſix Shillings and eight Pence, for the Half Year three Shillings and four Pence, and the Quarter twenty Pence, of any Doctor, Maſter, Graduate, Scholar or Clerk, without Fraud or Mal-Engine; alſo all Common Carriers, Bringers of Scholars to the Univerſity, or their Money, Letters, or any eſpecial Meſſage to any Scholar or Clerk, or Fetcher of any Scholar or Clerk from the Univerſity, for the Time of ſuch Fetchings, or

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Bringing, or Abiding in the Univerſity for that Intent. Provided always, that if any Clerk or Scholar having a Wife and Houſhold within the Precincts of the Univerſity, or any Scholars Servant, ſell any open Merchandize, by way of Merchandizing, that as touching ſuch Merchandizing, they be *Tailable* with the Burgeſſes of the ſaid Town. Alſo it is accorded, that if any Scholars Servant by Livery or Hire under form aboveſaid, not dwelling in the Houſhold with the ſame Scholar, be arreſted by the Mayor, Bailiffs, or any other Officers of theirs, if any Inhibition be ſent from the Chancellor or his Commiſſary to the Mayor or Bailiffs for the ſaid Perſon ſo arreſted, that the Officer of the ſaid Univerſity, that executeth the ſaid Inhibition, with an Officer of the ſaid Mayor or Bailiffs, bring without Delay the ſaid Perſon ſo arreſted to the ſaid Chancellor or his Commiſſary, and there by ſtreight Examination, after the Diſcretion of the ſaid Chancellor, or by his Commiſſary, by an Oath to be proved, whether he ought to enjoy the Privilege of the Univerſity or not; and if it be proved, that he be not of the ſaid Privilege, that then he be committed by the ſaid Officers to the Mayor or Bailiffs, ſo for him to inhibit. And as to the *third* Point and Article of Controverſy between the Parties, it is accorded and agreed, that if the Peace be broken between two Perſons, of which two one is of the Privilege of the Univerſity, that the Correction and Puniſhment thereof only pertain to the Chancellor, according to the Statute of the Univerſity: And if the Peace happen to be broken between any two Laymen of the Town of *Oxenford*, or of the Suburbs of the ſame, or elſe between any Foreigners or Foreigner, and a Layman of the Town; that then if the Mayor,

Mayor, Aldermen, Bailiffs, or any of their Officers, firſt arreſt ſuch Breakers of the Peace, that the Correction and Puniſhment of the ſaid Treſpaſs pertain wholly to the ſaid Mayor, Aldermen, *&c.* And if ſuch Breakers of the Peace be firſt arreſted by the Chancellor, Proctors, or any of their Officers, that the Correction and Puniſhment of ſuch Treſpaſs pertain only to the Chancellor, according to the Statute of the Univerſity. Provided always, that if neither Party be of the Privilege of the ſaid Univerſity, ne no ſuch Perſon as is before rehearſed and ſhewed have the Privilege of the ſaid Univerſity, that then the Suit or Party grieved or wronged be ſued and determined before the Mayor and Bailiffs of the ſaid Town. In witneſs of all which Things, as well the Seal of the Office of the ſaid Chancellor, as the Seal of the Univerſity aforeſaid, to the one Party of this preſent Indenture to the ſaid Mayor and Commonalty have been ſet; and to the other Party of the ſame Indenture, as well the Seal of the Office of the Mayoralty, as the Seal of the Commonalty of the ſaid Town of *Oxenford*, remaining toward the ſaid Chancellor and Univerſity, been put. Yeoven the Day and Year aboveſaid.

CHAP. V.

An Extract of ſeveral Royal Grants and Charters given to the Univerſity of Oxford, *with the Senſe and Opinions of the Lawyers thereupon.*

Edw. 1. *ad Parliament. poſt Paſch. Anno* 18. *Art.* 3. *Fol.* 15. *a.* 14. *H.* 8. *Art.* 2 & 3.

FOR *the Maintenance and better Conſervation of the Peace*, it is firſt granted, That the Chancellor of the Univerſity of *Oxford* for the Time being, and his Commiſſary and Deputy, ſhall be Conſervators and Juſtices of the Peace in

in the Town of *Oxford*, and in the Counties of *Oxon.* and *Berks*, as well as the four Hundreds adjoining to the Town of *Oxford*, in reſpect of all Scholars, privileged Perſons and others, who ſhall break the Peace, or attempt the ſame, againſt the Laws of the Realm and the Statutes of the Univerſity: And that theſe Perſons, and each of them, have Power and Authority over the aforementioned Perſons, within the ſaid Places; which any Juſtice of Peace in the aforeſaid Counties of *Oxon.* and *Berks*, or any other County of *England*, have over other Subjects in all Cauſes concerning the Peace (Mayhem and Felony only excepted): And that in all Cauſes, which do any wiſe concern the Peace of the Realm, or the Univerſity, wherein a Scholar or a privileged Perſon is one of the Parties, it is lawful for the Chancellor of the Univerſity, and (in his Abſence) for his Commiſſary, to bind the Party convicted, or both the Parties, the one to the other, by Bond and Obligation, for the Surety and Preſervation of the Peace, or otherwiſe, as it has been reaſonably accuſtomed Time out of Mind, *&c.* And laſtly, that the Chancellor ſhall have Cognizance, how the Bailiffs of the Town behave themſelves in their Office, otherwiſe to do in reſpect of the Univerſity; and if the Bailiffs ſhall find themſelves aggrieved thereby, they may repair to the King's Court for Redreſs, and receive Juſtice there: And this King *Edward* 1*ſt* granted to the Univerſity *pro voluntate ſua.*

Ad Parliament. prædict. Art. 8. *fol.* 16. *b.*

2*dly*, That the Chancellor, Vice-Chancellor, or Proctors, ſhall have a Power to ſearch by Day or by Night for ſuſpicious Perſons, and for ſuch as can give no good Account of themſelves, and to puniſh ſuch as are faulty by Impriſonment, Baniſhment, or otherwiſe: And whenſoever it ſhall be adjudged needful to make Inquiſition

for

for the Conſervation of the Peace of the Realm or the Univerſity, it ſhall be the Duty of the Mayor and Officers of the City, upon a Mandate to them directed by the Chancellor of the Univerſity, to be aſſiſtant in the Search after ſuch Offenders or Malefactors; as it is the Duty of every Townſman herein to appear before the ſaid Chancellor, or his Commiſſary or Deputy, upon due Summons, at what time ſoever required and commanded; whereas in all other Cauſes the Freemen of the Town or City muſt have a Day's Warning (at leaſt) given them for their Appearance.

3*dly*, That the ſaid Chancellor, or his Commiſſary or Deputy, for the more perfect Conſervation of the Peace aforeſaid, and for other reaſonable Cauſes him or them moving thereunto, may commit Tranſgreſſors of the Peace to Ward and ſafe Cuſtody, whether Scholars, Citizens or Strangers, if out of their Houſes or Lodgings after Nine of the Clock at Night-time, or before Four of the Clock in the Morning, upon *unlawful Occaſions*, *&c.* and may impoſe a Fine of 40 *s.* on them; and ſhall not be ſued or impeached thereof by any Court of Law out of the Univerſity, by any Writ or Proceſs of falſe Impriſonment, or otherwiſe. 10 *Edw.* 3. 48 *Edw.* 3. *fol.* 87. *a.*

4*thly*, That the ſaid Chancellor, or his Commiſſary or Deputy, may take away all Manner of Weapons, Offenſive and Defenſive, and cauſe them to be forfeited, if any Scholar or Townſman ſhall wear them contrary to the Statutes of the Univerſity. 29 *Edw.* 3. *fol.* 77. *a.*

5*thly*, That no Juſtice of the Peace, neither the Mayor nor the Bailiffs of the City of *Oxford*, do preſume to intermeddle in any Cauſes whatſoever, for Tranſgreſſion of the Peace, within the Precincts and Limits of the Univerſity, if a Scho- 2 *H.* 4. *fol.* 117. *b.* 14 *H.* 8. *Art.* 8.

Scholar be one of the Parties offending, but that the Chancellor ſhall have the Hearing and Determination thereof according to the Laws, Statutes and Cuſtoms of the Univerſity.

The Townſmens Compoſition. *Feb.* 23. 37 *H.* 6.

6thly, That by a Compoſition made between the Univerſity and the City of *Oxford*, on the 23*d* of *February*, in the 37*th* Year of the Reign of King *Henry* the *6th*, it is among other things provided, that if the Officer of the Univerſity firſt arreſts the Tranſgreſſors and Breakers of the Peace within the Town and Suburbs of *Oxford*, tho' neither of the Parties tranſgreſſing be of the Privilege; yet the Correction and Puniſhment thereof ſhall appertain and belong to the Chancellor of the Univerſity. See the Compoſition it ſelf at large elſewhere recited.

20 *H.* 4. *fol.* 116. *a.* 14 *R.* 2. *fol.* 108. *a.* 28 *Edw.* 3. *fol.* 69. *b.* 28 *H.* 3. *fol.* 2. *b.* 41 *Edw.* 3. *fol.* 85. *a.* 4 *H.* 8. *Art.* 45.

For the Cognizance of Cauſes both Civil and Criminal, and the holding of Pleas thereof, &c. it is granted and provided; Firſt, That all manner of Cauſes, Actions, Quarrels and Suits whatſoever, for any Matter done or begun within the Precincts of the Univerſity of *Oxford* (Felony, Mayhem and Freehold only excepted) ought to be heard and determin'd by the Chancellor of the ſaid Univerſity, if a Scholar or privileged Perſon be one of the Parties in ſuit: But by a ſubſequent Charter of King *Henry* the 8*th*, this Grant is extended to all Cauſes, Actions, Quarrels, Suits, *&c.* any where ariſing within the Kingdom of *England*, if the ſaid Chancellor will claim or challenge ſuch Cauſe or privileged Perſon.

1 *H.* 5. *fol.* 138. *a.* 2 *H.* 4. *fol.* 117. *b.* 14 *R.* 2. *fol.* 108. *a.*

2*dly*, That the ſaid Chancellor may proceed in the Examination of the aforeſaid Cauſes (except as before excepted) determining the ſame after the manner and Courſe of the Common Laws of this Realm, or according to the Laws and Cuſtoms of the Univerſity (that is to ſay)

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according to the Course and Method of the Civil Laws in all Civil Causes; and according to the Stile of the Canon Laws, in all Causes Ecclesiastical, at the Will and Pleasure of the Chancellor.

3*dly*, That the said Chancellor may also proceed in all and singular the aforesaid Causes, of *Office* as well as at the *Suit* and *Instance* of the Party litigant, herein making due Inquisition by Scholars, Townsmen, and others: And that no *Justiciary*, or any other Officer of *Common Law* do presume to intermeddle in any Matter or Cause determinable before the Chancellor of the University; and in case any do so intermeddle, they ought, at the Notification of the said Chancellor, forthwith to supersede all further Proceedings therein, and to make Allowance of such Claim or Challenge of Privilege, committing the Matter entirely to the said Chancellor, there to be determin'd and ended according to Right in that Behalf. 2 *H.* 4. *fol.* 116. *a.* 14 *R.* 12. *fol.* 108. *a.* 2 *H.* 4. *fol.* 116. *b.* & *fol.* 117. *a.*

4*thly*, That all and singular Amerciaments, Issues and Profits whatsoever arising and coming out of the Suits in this Behalf, are granted to the Use and Benefit of the whole University, together with the Amerciaments of Forestalling, Regrating, *&c.* The five Pounds therefore to be paid being remitted to the University, by a Charter of *Hen.* IV. *May* the 13*th*, *Anno Regni Secundo.* 2 *H.* 4. *fol.* 118. *a.* 14 *H.* 8. *Art.* 17, 24, & 46.

5*thly*, That the said Chancellor may, in all Causes, determinable before him, punish obstinate Persons and Transgressors, whether they be of the University, or of the City, and also extraneous Persons Litigant or Criminal within the Precincts of the University; and that by Imprisonment or Banishment from the University, the Town and Suburbs thereof: And that 19 *E.* 3. 14 *R.* 2. *p.* 69, 72, 105, 144. 4 *H.* 8. *Art.* 12.

the Sheriff of the County of *Oxford*, and the Keeper of the Caſtle Priſon in *Oxford*, ſhall be obliged to receive, keep and deliver all the ſaid Chancellor's Priſoners committed and ſent thither by his Order and Command; and thus, in the like manner, are the Mayor and Bailiffs of the City of *Oxford* bound to receive, keep and deliver the ſaid Chancellor's Priſoners ſo committed, as aforeſaid: And moreover, that the ſaid Sheriff and Keeper of the Caſtle Priſon aforeſaid, do not permit and ſuffer any Multitude of Perſons to viſit, or have any Converſation with the ſaid Priſoners; and the like of the Mayor and Bailiffs.

14 *H.* 8. *Art.* 22, 23, 25, 26, & 29. 7 *H.* 4. *fol.* 119. *b.* & 120. *a.* & *b.*

6thly, That if it ſhall at any time hereafter happen, that any privileged Perſon be indicted, arraigned, or appealed before any Judge or Officer at Law, by any Townſman, or other Perſon whatſoever, dwelling or having any Eſtate or Poſſeſſions within the City of *Oxford*, or in any of the Four Hundreds thereunto next adjacent, for Treaſon, Inſurrection, Felony, or Mayhem, committed in any of the Counties of *Oxford*, or *Berks*; and afterwards, by reaſon of ſuch Indictment, Arraignment or Appeal, be arreſted or impriſon'd, then, if the Chancellor of the Univerſity will claim or challenge ſuch Tranſgreſſor, the Parties who have him in Cuſtody, ſhall ſend him forthwith to the Chancellor's Steward, upon Pain of 200 *l.* the one Moiety of which to be forfeited to the King, and the other Moiety to the Univerſity: So that a Steward named by the Chancellor obtaining the King's Commiſſion under the great Seal, ſhall by Virtue of the ſame ſit and adminiſter Juſtice upon the Tranſgreſſor according to the King's Laws. And alſo, that when the ſaid Steward, thus limited and authoriz'd, ſends

ſends for the Indictment, Arraignment, or Appeal, with the Proceſs, and other Things belonging to the ſame, the Keepers thereof ſhall then forthwith tranſmit and ſend the whole Proceſs, *&c.* to the ſaid Steward, upon the like Penalty, as aforeſaid: And moreover, that this Steward thus authoriz'd, may and ſhall make a Proceſs under his Seal to the Sheriffs of *Oxford* and *Berks*, in order to have impannel'd 18 *lawful* Men, dwelling nigh unto the Place where the Offence is ſuppos'd to have been committed, to appear before the ſaid Steward in the *Guild-Hall* of the City of *Oxford*, at a Day certain to him aſſign'd and prefix'd; which Sheriffs ſhall duly return the Precepts, upon the Pain of 40 Pounds, to be forfeited as aforeſaid. The Steward alſo ſhall make other Precepts to the Beadles of the Univerſity in the like manner to return 18 other lawful Lay-men of the Privilege of the Univerſity, and then the one Half of the Jury to be taken of the one Pannel, and the other Half of the other Pannel, and ſo further to proceed according to Law and Juſtice.

For the Market, and the Ordering of Victuals, &c. 29 *E.* 3. *fol.* 75. *a.*

Firſt, It is granted and provided, That the Chancellor only ſhall have the Cuſtody of the Aſſize of Bread, Wine and Beer; and the Correction of the ſame, with all Fines, Amerciaments, and other Profits ariſing and coming thereof within the Town and Suburbs of *Oxford*.

2dly, The ſaid Chancellor only hath the Cuſtody of the Aſſize of Weights and Meaſures within the Town and Suburbs of *Oxford*; ſo that he may, as often as need requires, amend and mark them, deſtroying them which ſhall 30 *E.* 3. *fol.* 75. *a.*

be adjudged unlawful, according to the Standard in the *Exchequer*, kept and obſerved in other Places of the Realm, and puniſhing the Tranſgreſſors thereof: The Amerciaments and Forfeitures hereupon to be deliver'd to the Mayor and Bailiffs of the City, by Extract made by the Chancellor; but in the *Hundred*, next without the *North-Gate*, the Profits and Emoluments thereof do belong to the Univerſity by an Agreement made by *Rich. Damory*.

29 *E.* 3. *fol.* 75. 2 *H.* 4. *fol.* 117.

3*dly*, The ſaid Chancellor only hath Power and Authority to enquire of Foreſtalling and Regrating of Fleſh and Fiſh putrify'd, vicious, and otherwiſe incompetent, within the Town and Suburbs of *Oxford*, and duly thereof to inflict Puniſhment; the Amerciaments and Profits thereof appertaining to the Univerſity: And as the Univerſity has the ſole Clerkſhip of the Market granted and committed to it, with a free Power to diſpoſe of the Stalls and ſtanding Places in the Markets, and therein to take Tolls, Stallage, Piccage, *&c.* So are the Mayor, Bailiffs, and Aldermen not to meddle therein, but to obey and aſſiſt the Chancellor in all things relating thereunto. 'The City 'indeed did pretend to take Toll formerly; 'but upon Complaints made againſt it in Parli'ament, 14 *Edw.* 2. and 28 *H.* 6. they were 'obliged to deſiſt: And in the Year 1429. the 'City did in Convocation openly diſown both 'Toll and Stallage, and a publick Inſtrument 'was thereupon made and recorded. For the 'Clerkſhip of the Market, the Univerſity was 'obliged, in 29 *Edw.* 3. to pay five Pounds 'yearly to the King; but this Payment was 'remitted by *Henry* the 4th. *vide ſupra.*

38 *H.* 3. *fol.* 5. *a.*

4*thly*, That no Regrator or Huckſter do buy any Victuals in the Town, or coming toward

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the Town of *Oxford*; neither ſhall they buy any thing, nor ſell it again, before Nine of the Clock in the Morning, upon Pain of Amerciaments, and loſing the Thing which he ſo buyeth or ſelleth: And alſo, that every Merchant, or other Occupier, may bring Merchandize, and every kind of Victuals into *Oxford*, and there freely ſell it in Groſs, or by Retail at his Pleaſure; any Liberty, Uſage, or other Thing to the contrary notwithſtanding.

For the Taxation of Houſes. It is granted and provided, That all Houſes, which Scholars dwell in, or hereafter ſhall dwell in within the Town and Suburbs of *Oxford*, may be taxed before the Chancellor of the Univerſity, from five Years to five Years, by two of the Univerſity, and two of the Town, ſworn to examine and preſent the Taxation indifferent between the Parties. 4 *H.* 3. *fol.* 5. 18 *E.* 1. *ad Parliament.*

For the Taxation of privileged Perſons. It is granted and provided, That all privileged Perſons at Payments to the King, ſhall be faithfully taxed and aſſeſſed after and according to the Quantity of their Goods by the ſaid Chancellor, and not by the Mayor and Townſmen; and the Chancellor's Miniſters ought to gather the Taxes. 29 *E.* 3. *fol.* 75. *b.* *R.* 2. *fol.* 100. *a.* *H.* 4. *fol.* 115. *a.* *H.* 5. *fol.* 132. *b.* *E.* 4. *fol.* 158. *b.* *H.* 8. *fol.* 186. *a & b.*

For keeping clean the Streets, &c. It is granted and provided, That the Chancellor of the Univerſity may compel both Scholars and Townſmen to pave the Streets, and keep them clean, removing Blocks, Stones, Fyme, Kine, Swine, *&c.* The Amerciaments ariſing from hence do belong to the Bailiffs of the City, if they levy them within the Space of three Days after the *Eſtreat* be deliver'd to them from the Chancellor; otherwiſe the Amerciaments ſhall appertain to the Univerſity. 1 *E.* 4. *fol.* 158. *b.* *E.* 3. *fol.* 75. *b.* *R.* 2. *fol.* 100. *a.* *H.* 4. *fol.* 115. *a.* *H.* 5. *fol.* 132. *b.* *H.* 6. *fol.* 144. *a.* *Edw.* 4. *fol.* 168. *b.*

10 *E.* 3. *fol.* 62. *b. R.* 2. *fol.* 94. *b. H.* 4. *fol.* 115. *a. H.* 5. *fol.* 127. *a. E.* 4. *fol.* 153. *a.*

For the Selling of Cloaths by Parcels. It is granted and provided, That Linen or Woollen Cloaths brought to *Oxford* to be ſold, either in Groſs or by Parcels, may be ſo vended there, at the Liberty of the Sellers, without Action or Impediment of the Townſmen, or any of them.

18 *E.* 1. *ad Parliament. fol.* 116. *b. See the Townſmens Compoſition Feb.* 23. 37 *H.* 6. 14 *H.* 8. *fol.* 184. *R.* 2. *fol.* 108. *a. H.* 4 *fol.* 116. *a. H.* 5. *fol.* 137. *b.*

For Merchandizing. It is granted and provided, That all privileged Perſons of the Univerſity of *Oxford* may occupy and ſell Merchandize by the way of Merchandizing, if they become tailliable with the Townſmen. *See the Orders of Council.* It is granted and provided, That all the following Perſons ſhall enjoy the Privilege of the Univerſity, *viz.* all Scholars of the Univerſity, the Steward of the Univerſity, and the Feed-Men of the ſame; all Doctors, all Maſters, and other Graduates; all Students and Scholars, all Clerks dwelling within the Precincts of the Univerſity, of what Condition, Order, or Degree ſoever they be, every daily continual Servant to any of them before-rehearſed, Beadles with their daily Servants and their Houſhold; all Stationers, all Bookbinders, Lymners, Writers, Pargementors, Barbers, the Bell-Ringer of the Univerſity, with all Houſhold Servants; all Caters, Manciples, Spenſers, Cooks, Launders, poor Children of Scholars taking Livery, or Clerks within the Precincts of the Univerſity; alſo all other Servants of Scholars taking Livery, or after the rate of Six Shillings and Eight Pence by the Year, without Fraud or Mal-Engine; All common Carriers, Bringers, or Fetchers of Scholars, or being Meſſengers unto them, for the Time of ſuch Bringing, Fetching, or Meſſage doing, or Abiding within the Univerſity for that Intent: All theſe Perſons be of the

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Juriſdiction of the Univerſity therein duly and ſtrictly to be puniſhed, if therein they do tranſgreſs. And by the Charter of K. *Hen.* 8. All Regiſter'd and Matriculated in the Univerſity-Regiſter, ſhall be deem'd privileged Perſons; and to theſe are added all the Common Servants of the Univerſity, and their Houſholds.

For holding of Courts and Leets, and for Prices of Corn, Grain, &c. It is granted, provided and acknowledg'd, That the Univerſity hath always ever ſince the Reign of King *Edw.* III. held a Court-Leet, or View of Frank-Pledge, twice yearly in the *Guild-Hall* in *Oxford*, as well over the Town, and all the Inhabitants thereof, as over the Univerſity; and the Bailiffs of *Oxford* have ever a Jury of Eighteen Men of the City or Town before the Chancellor of the Univerſity, to enquire, as was to them enjoyn'd, *ex parte Domini Regis*: In which Courts Inquiſition was made of Foreſtallers and Regraters of the Market. *Item*, Of the Price of Corn and Grain: Of the Aſſize of Bread and Beer, how it was kept and obſerv'd: Of keeping clean the Streets, and paving the ſame: Of Weights and Meaſures: Of Fiſh and Fleſh putrify'd, vicious and otherwiſe incompetent: Of corrupt Livers and Breakers of the Peace, with the like Matters. And that this other ſhall be a full, abſolute and compleat Leet; and that the Univerſity ſhall have the Perquiſites thereof, and a full Power to diſtrain for them. *See the Orders of Council poſtea, 14 H. 8. fol. 184. b.*

For want of due uſing the Privileges of the Univerſity, it is granted and provided, that in Caſe the Chancellor and Scholars, or their Predeceſſors, have not fully uſed their Grants and Liberties, they nevertheleſs and their Succeſſors, ſhall have full Power to exerciſe and enjoy the ſame in as ample a manner as they might otherwiſe 8 *Edw.* 2. *fol.* 32. *a.* & 81. *a.* 30 *Edw.* 3. *fol.* 8. 1 *Hen.* 4. *fol.* 115. *a. Ed.* 3. *fol.* 45. *a. Edw.* 3. 61. *a. R.* 2. *fol.* 93. *a.* 137. *a. H.* 5. 138. *b.*

Edw. 151. *b.* &c. wiſe lawfully have done; and ſhall in no wiſe be prejudic'd in their Right by any *Diſuſer*.

18 *Edw.* 1. *ad Parliament.* 26 *Edw.* 1. *For Cuſtoms.* The Townſmen have faithfully promiſed to obſerve and to ſee obſerved all free Cuſtoms, which the Chancellor and Scholars of the Univerſity have lawfully uſed and enjoyed Time out of Mind, &c.

28 *H.* 3. *fol.* 2. *b.* 2 *Edw.* 2. 10 *Ed.* 3. 14 *H.* 8. The Chancellor of the Univerſity ſhall have Power to hear and determine all Civil Cauſes, and Temporal Actions, any Prohibition made to the contrary notwithſtanding, wherein a Scholar or a privileged Perſon is one of the Parties in ſuit; unleſs it be in Cauſes touching *Freehold*.

1 *Edw.* 4. *fol.* 169. *a.* 37 *H.* 6. *fol* 25. & 144. *a.* *For the Correction of corrupt Livers.* It is granted and provided, That the ſaid Chancellor ſhall have full Power to baniſh all incontinent and vicious Women; if they offend within the Town, or the Precincts of the Univerſity: So that ſuch Perſons ſhall not dwell within ten Miles of the Univerſity; and in caſe any do ſo after their Baniſhment, the Ruler of that Habitation, when the Chancellor ſhall ſignify their Baniſhment to him, ſhall impriſon ſuch baniſh'd Woman or Women, and afterwards expel her or them from thence.

14 *H.* 8. *Art.* 14. *For Felons Goods.* It is granted and provided, that the Univerſity ſhall have Power to ſearch for and ſeize all ſuch Goods, and enjoy the ſame to their own Behoof and Profit: Purſuant to which the Delegates of Convocation, *June* 3. 1588. decreed, touching the Goods of one *Harris*, a *Felo de ſe*, that his Widow ſhould pay 5 Marks out of the Goods lately her Husbands, but then belonging to the Univerſity, for that he had killed himſelf; and the Reſidue of them by the Diſcretion and at the Will of the ſaid Delegates given for the Maintenance of the Widow and her Children.

For

For the Precincts and Limits of the Univerſity: It is granted and provided, That the ſame ſhall extend on the Eaſt Part to the Hoſpital of St. *Bartholomew*; on the Weſt Part to *Boteley*; on the North Part to *Godſtow-bridge*; and on the South Part to *Bagley-Wood*; and ſo in Circuit. 2 *Hen.* 4.

For Spiritual Juriſdiction: It is granted and provided, That Scholars and privileged Perſons ſhall be exempted from all Archbiſhops, Legates, Biſhops, and other extraordinary Judges, for Contracts enter'd, or like as entred, for Exceſſes, Crimes, Faults, *&c.* within the Precincts of the Univerſity committed; and for all Scholaſtical Acts ſubjected to the Juriſdiction of the Chancellor only; to whom is granted herein all Power Eccleſiaſtical and Spiritual, to proceed after the Statutes, Privileges, and Cuſtoms of the Univerſity. All Sentences and Proceſſes by any other Judge had or made, to be void, and of none effect; always ſaved the Statutes and Liberties of Colleges, namely, ſuch Ordinances of the Univerſity by which the Proctors and Congregation have Intereſt in the Chancellor's Juriſdiction. See the Senior Proctor's Book, *fol.* 4. *Boniface.* See the *Appendix*, *p.* xiii.

Item, The Chancellor of the Univerſity may aſſoil from Perjury *ſimpliciter vel ad cautelam*, and from all Penalties depending thereon, if it be humbly deſir'd; and reſtore the Tranſgreſſors to their former Condition: And in Caſe any Judge ſhall make any Attempt in Derogation hereof, the ſame Attempts ſhall be fruſtrate and void. *Sixtus* IV.

Item, The ſaid Chancellor or his Deputy have Power granted to them to uſe the Cenſures of the Church in all urgent Cauſes. 28 *Edw.* 3.

Item, It is granted by the Archbiſhop of *Canterbury*, and ten other Biſhops, that if any Perſon ſhall fly the Univerſity, contemning the Excom- See the Senior Proctor's Book. *John Peckham* Archbiſhop of *Cant.*

Excommunication of the Univerſity, or the Chancellor; and repair unto any of their Dioceſſes, they will corroborate and confirm what was done herein in the Univerſity, and demand or commit the ſame to Execution, if they be required.

Item, Biſhops grant, that if any Perſon ſhall repair into any of their Dioceſes, who carry Weapons to break the Peace in the Univerſity, or otherwiſe troubling the Tranquillity of the ſame, being convicted thereof, or by the preſumptive Knowledge of it by his Flight, if the Biſhop be certified thereof under the Seal of the Univerſity; they promiſe, if the Tranſgreſſor be a beneficed Man, to ſequeſter the Fruits and Profits of his Living for three Years, for due Satisfaction of the Hurt and Damage ſuſtain'd by the Univerſity; and in caſe the Tranſgreſſor be not promoted, to render him unable to take Promotion for five Years at the leaſt, until Amends be made for the Injury and Damage done.

See the ſaid Book, p. 71. *Oliver Sutton*, Bp of *Lincoln*.

Item, The Biſhop of *Lincoln* doth accept and approve the Premiſſes under his Seal, as the other Biſhops had done before him.

Item, The Chancellor of the Univerſity hath Power and Authority to prove the Teſtaments of all privileged Perſons, and alſo to grant Letters of Adminiſtration of all Scholars and privileged Perſons Goods, dying inteſtate.

3 *Edw.* 3. *Circa Tranſ. Tho. Martyr. H.* 7.

For the Liberties without the North-gate. It is granted and provided, That the Univerſity ſhall have as ample Liberties in the Hundred or Suburbs next without the North-gate as they have within the Town of *Oxford*, granted by the King on the Agreement of one *Rich. Damory*.

31 *Edw.* 3.

For the Scholar's Obit, &c. It is granted and provided, That the Mayor, Bailiffs and Aldermen,

men, and other Townſmen, to the Number of 62, are bound to keep an *Obit*, with Deacon and Sub-Deacon, in St. *Mary*'s Church, on St. *Scholaſtica*'s Day, every Year perpetually; offering there every Man one Penny, in the whole 6 *s.* 8 *d.* to be diſpos'd of to poor Scholars in Alms; for Surety whereof the Town is bound to the Univerſity in an Obligation of 100 Marks of Annuity, under their Common Seal; which Ordinance and Obligation is exemplified and ratified by K. *Edw.* III. But this, on the Account of Religion is ſince alter'd. The Mayor, Aldermen, and 58 Burgeſſes of the Town of *Oxford*, are obliged every Year in St. *Mary*'s Church to take an Oath for the Conſervation of the Liberties and Privileges of the Univerſity. And thus are the Sheriff, Under-Sheriff, and his Miniſters, every Year, upon the Receipt of the Sheriff's Commiſſion, obliged to take an Oath for the Conſervation of the Liberties and Privileges of the Univerſity of *Oxford*, in the Preſence of ſome of the Univerſity, thereunto by the Chancellor appointed.

It is alſo granted and provided, That Scholars, their Servants, and the Servants of the Univerſity ſhall not be forced to appear at Muſters, or to contribute thereunto; and that they ſhall be diſcharged of Subſidies, Reliefs, Impoſitions and Contributions. This Grant is not originally owing to the Charter of King *Charles* I. but derived from Cuſtom, acknowledged and ſettled in Parliament, 18 *Edw.* I. and ever ſince allowed upon ſolemn Hearings, under Queen *Elizabeth* and K. *James* I. and is ſuch a reaſonable Privilege, that all foreign Univerſities enjoy the ſame.

It is alſo granted and provided, That the Univerſity of *Oxford* may have two Coroners, to

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ſit and take Inquiſition on the Bodies of privileged Perſons. By the Charters of *H.* 4. and *H.* 8. the Univerſity had Power to hear and try all Felonies and Murders, committed either by their own Members or againſt them; and therefore, in purſuance of former Rights, and for the better Enquiry into thoſe Offences, that were afterwards to be finally tried by them, it was granted, that the Coroner ſhould be appointed by them and their Authority. The Coroner's Power was indeed before lodg'd in the Chancellor and Steward; and *Charles* I. did not ſo properly create a new Office, as divide the different Powers of a former Officer. This Privilege does in no wiſe incroach on the Right of the City, who have a Power to appoint a Coroner for themſelves, and were forbidden by former Charters to aſſign one for the Univerſity.

29 *E.* 3. *fol.* 8. *b. E.* 2. *fol.* 31. *a. E.* 3. *fol.* 44. *a. E.* 3. *fol.* 60. *a. R.* 2. *fol.* 92. *a. H.* 4. *fol.* 115. *H.* 5. *fol.* 124. *b. Edw.* 4. *fol.* 150. *b.*

All Clerks and Scholars whoſoever, within the Univerſity of *Oxford*, are ſo exempted from Appearance, That they ſhall not be compelled to be of Juries or Aſſizes; and if they be thus impanell'd or ſummon'd, upon a Certificate or Notice given by the Chancellor of their being of the Univerſity, their Writ of Privilege ſhall be allowed unto them without the Formality of Pleading.

32 *H.* 3. 18 *Ed.* 1. *ad Parl. Art.* 4. *lib. chart. fol.* 16. *a.*

The Mayor, Aldermen, and fifty-eight other Burgeſſes of the Town or City of *Oxford*, are to be ſworn every Year in St. *Mary*'s Church, for the Conſervation of the Liberties and Privileges of the Univerſity, in Manner and Form following, *viz.* 'Ye ſhall ſwear, That all Liberties 'and free Cuſtoms, which the Chancellor and 'Scholars of this Univerſity have by the Grants 'and Charters of our Sovereign Lady the Queen, 'and her Progenitors (*mutatis mutandis*) and all 'other

'other Cuſtoms which the ſaid Chancellor and 'Scholars have reaſonably uſed, well and firm-'ly ye ſhall hold and faithfully cauſe to be hol-'den, ſaving your Fidelity given to our Sove-'reign Lady the Queen. This Oath, as to the Form of it, the Townſmen have frequently complain'd of, though approv'd and ſettled on ſolemn Debate in Parliament above 400 Years ago; objecting againſt it, that it is conceiv'd in *General Terms:* To which 'tis replied, ſo are all thoſe Oaths which are requir'd by the City of *Oxford*, and other Places, of all their Freemen, when they are firſt enfranchiſed *to preſerve the Privileges* of their reſpective Corporations. They alſo pretend Ignorance of our Privileges, and thereby inſinuate how unjuſt it is they ſhould ſwear to preſerve them; whereunto it is anſwer'd, That neither this Oath, nor any other of this kind, conceiv'd in *General Terms*, by Intendment of Law, binds the Takers to any farther Obſervance of the Particulars comprehended within that Generality, than as they ſhall come to their Knowledge; and further, that this Reaſon (if it be of any Force) is much more pregnant againſt the Oath uſually impoſed on all the Freemen of *Oxford*, at their firſt Admittance, to *maintain and keep all the Franchiſes, Liberties, and Cuſtoms of the City*, to which many of them are altogether Strangers, at the Time of their taking of that Oath; whereas none are requir'd or admitted to ſwear to maintain the Liberties of the Univerſity, beſides a few Citizens of the graver ſort, to whom, by Reaſon of Vicinity, and long Converſation amongſt us, the Cuſtoms and Liberties of the Univerſity are ſufficiently known. Tho' we confeſs all our Privileges to be *juſt*, yet we neither pretend to be our own Judges, to determine in point of Controverſy,

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which are juſt; neither do we pretend, that the Mayor, or any Citizen is bound to ſwear, or if he ſwears, is bound to maintain all or any Privileges barely claim'd by the Univerſity as *juſt*, unleſs they be ſo in themſelves, and have been *lawfully* uſed by the Univerſity; and therefore we do not claim, that the Mayor and Citizens ought to ſwear to maintain any other than the *lawful* Privileges of the Univerſity: And that it is acknowledged by the Townſmen, that the Mayor is bound by Oath (and known by common Practice, that every Freeman is in the like manner bound) to maintain all the Liberties of the City; and that many of them do ſtand in oppoſition with divers of thoſe claimed by the Univerſity, it muſt follow, that all ſuch pretended Liberties of the City as do claſh with thoſe of the Univerſity, which the Mayor and Citizens are requir'd by Oath to maintain, muſt be in themſelves unlawful: But the Citizens of latter Times to overthrow the juſt and antient Rights of the Univerſity, have, by new Inventions, framed Oaths contrary to our Privileges, and then have complain'd of our Privileges, for being contrary to their Oaths.

29 *Edw.* 3. The Sheriff of *Oxford*, at the Receipt of his Commiſſion, ſhall ſwear for the Conſervation of the Liberties and Privileges of the Univerſity of *Oxford*; and the Under-Sheriff, and other Miniſters to the Sheriff, ſhall ſwear in the like Manner at *Oxford*, in the Preſence of ſome of the Univerſity therefore by the Chancellor appointed, and the Sheriff ſhall cauſe them to take the enſuing Oath, *viz.* 'Ye ſhall ſwear that ye 'will defend to your Power the Maſters and 'Scholars, and their Servants, of the Univer-'ſity of *Oxford*, from all Injuries and Oppreſſi-'ons; and the Peace of the ſame Univerſity, as 'far

'far as poſſible, ye will ſee conſerved; and al-
'ways when need is, ye will give Counſel and
'Help to the Chancellor and Scholars, for
'the puniſhing Diſturbers of the Peace, ac-
'cording to the Privileges and Statutes of the
'Univerſity; and to your Power defend the
'Privileges, Cuſtoms and Liberties of the ſaid
'Univerſity.

The Univerſity of *Oxford* having the undoubted *Aſſize* and *Aſſay* of *Bread* and *Beer* (and the Oath for obſerving the ſame being a neceſſary Conſequence thereof) the Right and Cuſtom of admitting and licenſing common Brewers and Bakers in *Oxford*, is not only an ancient Right in the Univerſity, but for the Fitneſs thereof has alſo been received and confirm'd by Act of Parliament: Neither is this Right without Examples of the like Nature in the Book-Caſes, where Time has indulg'd the ſame Cuſtom to Perſons of Quality in other Places. And this particular Right has not many Years ſince been declared by the free and voluntary Acknowledgement of the Brewers themſelves to be in the Univerſity. As to the Fees for ſuch Licenſes or Admiſſions, they have been anciently paid to ſeveral Officers of the Univerſity, for their Pains about this Buſineſs, and are in themſelves but moderate, far ſhort of ſuch Fees as are requir'd by the City and their Members in other like Caſes; but the Univerſity claims no Fee to their Body for any ſuch Grant or Licenſe. And 'tis not improper for the Univerſity to have this Right, which (in all Probability) would be worſe practis'd, and with greater Prejudice to the publick, if exerciſed by the City; whoſe chief Magiſtrates are for the moſt part Men of the ſame Trades, and who, by ſeveral Acts of Parliament, are prohibited from intermeddling with

with the Aſſizing and Correction of Victuals, or the Default therein.

The Univerſity, by ancient Cuſtom confirm'd by Act of Parliament, have uſed to make *By-Laws* for the better Ordering and Government of the Univerſity, and the Scholars therein; which *By-Laws* bind not only Scholars but Tradeſ-men alſo, in relation to the Government of Scholars, and not otherwiſe. And this Power is adjudg'd in divers Book-Caſes to be binding unto Strangers in the like Caſes, tho' they never actually conſented thereunto by themſelves, or by any immediate Repreſentatives to the making of any ſuch *By-Law*. And the Townſmen themſelves, in other Caſes, do both claim and exerciſe a like Power over the Eſtates and Perſons of ſeveral Inhabitants in *Oxford*, not of their Corporation, nor any wiſe privy nor conſenting to their Orders, either by themſelves or their Repreſentatives. As to the Caſe concerning *Taylors*, the Univerſity has made no *By-Laws* concerning them, but in relation to the Government of Scholars; and if it ſhould be in the Power of *Taylors* to inveigle young Scholars into new and chargeable Faſhions in Apparel, contrary to their Parents Deſire, the Direction of their Tutors, and the publick Diſcipline and Order of the Univerſity, meerly to enhance their own Prices in making, and the Mercers Gains in Selling ſuch dear but unneceſſary Trimmings as this Inſtance relates unto, it may prove a great Evil and Inconvenience to Scholars and their Parents.

Privileged Perſons have ſo ancient a Right to the Exerciſe of any Trade, that their Preſcription to it commences before the oldeſt Charter to the City, and is ſaved. This Right is allowed in Parliament, 18 *Edw.* 1. and declared

clared by expreſs Words in the Charter of 14 *Hen.* 8. ratified by Statute under Queen *Elizabeth*, and only more largely explain'd by 11 *Car.* 1. Limits have ſince been put to this Privilege, which the Univerſity have never tranſgreſſed; nor have ever, as the Town uſes to do, pleaded their ancient Rights in Bar of the ſubſequent Reſtrictions of it.

The Univerſity did ſometime heretofore uſe the Cenſure of Excommunication againſt their own Members in Temporal Matters at the Inſtance of the Party, but have not ſo done for almoſt theſe 40 Years, that Courſe being now in Effect aboliſh'd by Act of Parliament, as repugnant and contrary to the Laws of the Realm in *Civil* Cauſes.

The Chancellor of the Univerſity, or his Commiſſary ought to ſet the Price on Candles. See *Laud*'s Chancellorſhip, *Page* 183. where there is this Caſe, *viz.* The *Chaundlers* (two of that Company being Aldermen of the City) took upon them to ſell Candles at a Price above that which was ſet by the Vice-Chancellor; and they being called to an Account for ſo doing, wilfully refus'd to comply with the Vice-Chancellor's Order; whereupon he reſolved to make the ſaid two Aldermen an Example unto the reſt; firſt, on a Summons to demand their Mulct due for their Offence; which they refus'd to pay; whereupon they were cited into the Chancellor's Court with an Intimation given them, that if they appear'd not, he would call a Convocation and diſcommon them; but at length, after ſome Contempt, upon better Advice, they appear'd and made their Submiſſion. *Oct.* 4. 1639.

Upon an Occaſion of Difference between *Litchfield* and *Turner*, about their Printing, the Charters of the Univerſity were examined, to

ſee what Power the Univerſity had in Relation to Printing, and how many Printers were allowed them: But upon Search no Grant at all was found, ſo that Cuſtom is the beſt Warrant for that Privilege, the great Charter of King *Henry* VIII. making no mention thereof: But the Univerſity of *Cambridge*, which had the like Charter, found that Defect in it, and upon Application to the King, obtain'd a particular Charter for Printing, which is very large, and of great Honour and Benefit to that Univerſity.

14 *H.* 8.

In the 11th Year of King *Charles* I. a Charter was granted to the Univerſity for Printing, at the Inſtance and Requeſt of Archbiſhop *Laud*, as above-remember'd, *Page* 477.

The Univerſity of *Oxford*, both at the Time and long before the making of the Statute of the 7th of *Edw.* VI. Chap. 5. had the Privilege of Licenſing and Suppreſſing of Taverns in *Oxford*, and this Privilege is expreſly ſaved to the Univerſity by a Proviſo in that Statute; by Virtue whereof we juſtify inhibiting the City to erect Taverns, or licenſe the Sale of Wine by Retail in *Oxford*, neither the Letter, nor the Equity of this Statute enabling the City ſo to do: And further, that in reſpect of this Power, which the Univerſity claims and exerciſes over Vintners, Brewers, Bakers, and other Victuallers, and in the Market, and for thoſe ſmall Perquiſites received from thence, the Citizens are yearly abated, and the Univerſity was yearly heretofore charged with a great part of their *Fee-Farm* Rents, whereas the Univerſity does not receive any conſiderable Benefit this Way proportionable to what the City has, or claims to have, as belonging to *Fee-Farm* other ways. This Statute is a Law *pro bono publico*, Taverns being looked on as diſorderly Houſes, and therefore re-

reſtrained to a Licenſe and Approbation of Places and Perſons, their Multitude and Looſneſs occaſioning the Act.

Dews being ſued, prayed his Privilege, becauſe at the Time of the Suit commenced, he was a Commoner in *Exeter*-College in *Oxford*; and brought Letters under the Seal of the Chancellor of the Univerſity of *Oxford*, certifying their Privilege; and he certified, that *Dews* was a Commoner of *Exeter*-College, at the time of the Suit commenced againſt him, as appear'd by the Certificate of Dr. *Prideaux*, Rector of the ſaid College; whereas he ought to have certified, that he was upon his own Knowledge a Commoner of the ſaid College, and not upon the Certificate of another; and afterwards a Certificate was made of his own Knowledge, and then it was allowed to be good, and the Privilege was alſo allowed. *Godbolts Rep.* p. 404.

Prat being Plaintiff exhibited a Bill in the Court of Chancery, againſt the Defendant *Taylour*, to have an Account of ſeveral Sums of Money, which the Defendant, a Fellow of *Exeter*-College in *Oxford*, and a Tutor to the Plaintiff's Son, received towards the neceſſary Occaſions of his Son. The Chancellor of *Oxford*, by an Inſtrument in Writing, ſet forth the Privilege of the Univerſity granted by Charters and confirm'd by Act of Parliament: And the Defendant was a Scholar and Reſident in the Univerſity, and that they had a Court of Equity, and thereupon prayed, that *Taylour* might be diſmiſſed. But the Lord Keeper did not allow the Claim; for that Cognizance of Pleas in Equity could not be granted, tho' Precedents were ſhewn of the ſame Claim allow'd in Queen *Elizabeth*'s Time. He asked, whether any could be ſhewn in my Lord-*Elleſmere*'s or my Lord-*Coventry*'s

ventry's Time; but none could be ſhewn; and thereupon he diſallow'd the Claim, and ſaid, that it muſt be put in by way of Plea: But withal declared, that it ſhould not be on Oath, but it ſhould be ſufficient to aver the Defendant to be a Scholar reſident within the Univerſity, *&c.* without an Oath. *Caſes in Chanc.* Part I. p. 237.

In the Caſe of Sir *Tho. Draper* againſt Doctor *Crowther*, who pleaded, that he was Head of St. *Mary* Hall in *Oxford*, and ſet forth the Charter of the 14*th* of *Rich.* II. and the 14th of *H.* VIII. impowering the Univerſity to enquire and proceed in all Pleas and Quarrels in Law and Equity, except concerning Freehold, where a Scholar, their Servants and Miniſters, are one of the Parties, *&c.* ſo that the Juſticiaries of the King's Bench, or of the Common Pleas, or Juſtices at Aſſizes, do not intromit themſelves, *&c.* and the Confirmation of all theſe Charters by an Act of Parliament of the 13th of *Eliz.* and he concluded his Plea to the Juriſdiction of the Court of Chancery: But Dr. *Crowther* was over-ruled, becauſe the Charter ought properly to be extended to Matters at *Common Law* only, or to Proceedings in Equity that ariſe in ſuch Caſes, and not to meer Matters of Equity, which are originally ſuch, as to execute Agreements in *ſpecie*. Again, Cognizance of Pleas is never to be allow'd, unleſs the inferior Juriſdiction can give Remedy: Here in the Chancellor's Court of the Univerſity of *Oxford*, they can only excommunicate or impriſon, but cannot proceed to a Sequeſtration of Lands in *Middleſex*. If the Matter lies only in Damages, Cognizance of Pleas may be allow'd to the Univerſity, becauſe its Juriſdiction is given all over *England*; but this is not to be intended, where the Suit is for the Thing it ſelf, and when it is out of their

Reach,

Reach, as in the preſent Caſe: And thus Cognizance of Pleas is never to be allow'd, unleſs the inferior Juriſdiction can give Remedy.

In the Caſe of one *Cripps* and *Webb*, on Action of Treſpaſs, *Quare Clauſum fregit & Domum ſuam intravit in Sanctâ Mariâ in Oxford*, Cognizance of Plea was denied to the Univerſity upon a Demand thereof, becauſe the Freehold might come in Queſtion; and ſo it was ſaid by the Court it ſhould be, for the Reaſon in an *Ejectione firmæ*.

A Townſman of *Oxford* was choſen into an Office in the Corporation, and refuſing to hold it, he incurr'd a Penalty according to the Uſage of this Place, for which an Action of Debt was brought; And it was moved for the Defendant *Wildgooſe*, that he might be allowed the Privilege of the Univerſity; and a Charter was ſhewn whereby it was granted to the Univerſity, that their Members, Servants, *&c.* belonging to the Univerſity, ſhould be ſued in the Court before the Vice-Chancellor, and not elſewhere; and a Certificate was produced from the Chancellor of *Oxford* directed to the Chief Juſtice *& Sociis ſuis Juſticiariis de Banco*, that the Party was matriculated and regiſtred in the Univerſity, and a Servant to Dr. *Iriſh*. And after hearing Counſel, and it appearing to the Court that he was regiſtred in the Univerſity but two Days before he was choſen into the Office, and was a Painter that had dwelt long in the Town, and had been for many Years of the Corporation, and no Servant to Dr. *Iriſh*, but had a Dwelling-Houſe, and kept Shop, and he procur'd himſelf to be admitted into the Univerſity, as an Artificer, to hinder the Remedy, which the Town had againſt him, for not holding his Office; the Privilege was denied by the

whole Court. *Ventr. Rep.* Part II. page 106.

In the Caſe of one *Gayton* againſt *Raydon*, the Chancellor of the Univerſity of *Oxford* demanded Cognizance of the Action, it being an Action of Debt between the Beadles of the Univerſity, by ſpecial Warrant to Attorneys, and brought into Court by Rule, which being put into a Form of Plea, the Court granted, *Niſi. Keeb. Rep. Vol.* 1. *pag.* 317.

No Prohibition ſhall be awarded to the Chancellor's Court of the Univerſity of *Oxford*, to ſtay Proceedings there, for holding Plea, when the Cauſe of Action ariſes of the Juriſdiction of that Court, tho' ſome call it an Inferior Court; no, not even after the Defendant has pleaded to its Juriſdiction, and his Plea is diſallowed; for that Court has Cognizance of all Pleas, *Felony*, *Mayhem* and *Freehold* excepted. *Fitzherbert's Nat. Brevium.*

Hil. Term. 1712. *Charles Aldrich*, Student of *Chriſt-Church* College in *Oxon.* and Executor of the laſt Will and Teſtament of Dr. *Henry Aldrich* the late Dean, preferr'd a Bill in the Court of Chancery againſt Dr. *William Stratford*, a Canon of *Chriſt-Church*, to diſcover upon Oath certain Matters contained in the ſaid Bill; the Chancellor of the Univerſity claimed the Cognizance of the Matter, as appertaining to the Juriſdiction of the Univerſity: Whereupon a Queſtion aroſe touching the ſame, *viz.* Whether the Univerſity Court was a Court of Equity? Which after many ſolemn Debates and Learned Arguments on both Sides, on ſeveral Days Hearing, was determin'd by the Lord Chancellor's Decree in favour of the Univerſity, and the Plaintiff's Bill was diſmiſſed: for altho' a Court of Equity cannot be erected by Royal Charter, yet it may be well eſtabliſh'd by Preſcription and Act of Parliament

Term. Paſch. 1713.

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in confirmation of ſuch Preſcription, which is the Caſe of this Univerſity; and thereupon was the ſaid *Charles Aldrich* remanded to the ſaid Chancellor's Court to be puniſh'd for his Demerits in violating the Priviledges of the Univerſity, by the Court of Chancery's diſſolving the Injunction, peremptorily iſſued to the Chancellor's Court.

In the Year 1709, the Canonry of Dr. *Benj. Woodroffe*, then Canon of *Chriſt-Church* aforeſaid, was ſequeſtred by a Decree of the Univerſity-Court, for his Contumacy in not appearing to an Action of Debt brought in this Court by *Edward Foulks* and *Robert Hyde*, Plaintiffs; and upon the Service of a Monition or Order of this Court on the Treaſurer of *Chriſt-Church*, and a Warrant to arreſt the ſaid Treaſurer for his Contempt of this Order, an Injunction was decreed by Chancery, on a Bill of Interpleader, to the ſaid Chancellor's Decree: Whereupon a Claim of Privilege was made by the Chancellor; but without any Warrant of Attorney, which ought to have been filed; yet on good Advice, the Treaſurer ſubmitted, *&c.*

Ejectione firmæ. On a Leaſe of a Meſſuage in *Oxon.* the Defendant being Principal of *Glouceſter-Hall*, pretended, that he being a Scholar in *Oxford*, and a privileged Perſon, ought to be ſued before the Vice-Chancellor there *ſecundum morem Univerſitatis, i. e.* according to the Courſe of Proceedings there, and according to the Charters granted to the Univerſity, and confirm'd by Parliament. Wherefore he pray- 3 *R.* 2 14 *H.* 8. ed, that there might be a Stay of the Proceed- 13 *Eliz.* ings in this Court, and ſhewed the Charters of of the Univerſity, by which they had Cognizance of all Suits, Contracts, Covenants, and Quarrels (except concerning Freehold) and this

being a perſonal Action, they ought to have Cognizance thereof: And *Damport* for the Univerſity ſhewed an antient Precedent of this Court in the 22 *Edw.* I. where a Plea of Covenant was brought in the Court of the Vice-Chancellor of the Univerſity of *Oxford*, by reaſon of a Contract, made before that Time, wherein it was granted unto them to have cognizance of all Actions perſonal and Contracts; and this Covenant in queſtion was, that he ſhould enjoy ſuch a Houſe in *Oxford* for a Year; and becauſe this Court of the *Common Pleas* had granted a Prohibition to ſtay the Proceedings in the ſaid Suit, being began in the *Court Chriſtian* before the Vice-Chancellor: The Record mentioned, that upon the ſhewing of this Charter, it appearing the Action was brought only upon the Contract, and *pro Domibus*, therefore a Conſultation was granted: And ſo it was prayed here, becauſe this Action was but perſonal, that they might have cognizance thereof; but all the Court deny'd it, and affirmed, that the Vice-Chancellor had not any Juriſdiction, nor might he hold Plea thereof; for in this Action he ſhall recover Poſſeſſion, and ſhall have an *Habere facias poſſeſſionem*, and thereby he that hath a Freehold may be put out of poſſeſſion: and it is not like to the Record ſhewn; for there it is only an Action of Covenant, wherein the Plaintiff ſhall recover Damages, and therefore a Reaſon to grant a *Procedendo* there; but here he ſhall recover Poſſeſſion, and therefore by their own Rules they ought not to hold cognizance, nor to have a Liberty to proceed in this Caſe. *Note*, that by this antient Record it appears, what are the Privileges of the Univerſity, and the Juriſdiction of this Court, to grant a Prohibition, where they proceed in

Court

Court Chriſtian, in prejudice of the Common Law, without reſorting to the Chancery. *Halley's* Caſe. *Crok. Rep. Part* 3. *p.* 62.

Tho. Wilcocks, Maſter of Arts of St. *Mary-Hall* in *Oxford*, was ſued in the Chancellor's Court by *Anne*, Wife of *Ralph Bradwell*, and *Chriſtian* her Daughter, for calling the Wife *Bawd* and *Old Bawd*, and the Daughter *Whore*, and *Scurvy pocky-fac'd Whore*. And they obtain'd two Sentences againſt *Wilcocks*, and upon them he procur'd two Prohibitions: and *Davenport* moved for a *Procedendo*, for that by their Charter, which was confirmed by Parliament, the Chancellor or his Deputy ſhall have cognizance of all Cauſes perſonal, wherein one of the Parties is a Scholar; and the Charter was ſhewn in Court, which was to this purpoſe, *viz.* That they ſhould hold Pleas, *&c.* either *ſecundum morem Univerſitatis*, or *ſecundum legem terræ*; and the Cuſtom was to proceed according to the Method of the *Civil Law*. And it was reſolved, *firſt*, That this Charter deprives the Subject of his Liberty and Privilege of Trial: In a *Corpus cum cauſâ* to the Chancellor of *Oxford*, it was certify'd, that the Priſoner *pro extenſione detentus fuit & convictus*; and an Exception was taken, becauſe that he ſhould have been *indicted* and *convicted*; and it was anſwer'd, that it was *Mos Univerſitatis*. And by *Hutton* it was ſaid, that Cuſtom was intended to be by Preſcription, and ſo the Charter being confirmed by Act of Parliament, it was as good. *2dly*, That there is a good Cauſe of Action in the Chancellor's Court; for *Wilcocks*, who is one of the Parties, is a Scholar, and the Charter was given only for the Eaſe of Scholars, that their Studies might not be interrupted by Suits in other Courts; but then he ought to be a Scho- *Trin. Term.* 5 *Car.* 1. *Crok. Rep. p.* 73. *Lit. Rep. p.* 9, 10, 11, 12, *&c.* 9 *H.* 6. 44.

Scholar reſident in the Univerſity at the Time of the Suit commenced there; and he ought to be only one of the Parties, and for that if another be joined with him, he ſhall not have the Privilege and Benefit of the Charter, as it is 14 *H.* 4. 21. and by *Richardſon* Chief Juſtice, that is not a Privilege, which may be waved; for every Perſon may *recuſare jura introducta pro ſe*: But that it was an Exempt Juriſdiction, and differs where the Privilege goes to the Perſon, as if a Clerk in this Court will ſue in another Court, or ſuffer himſelf to be ſued, that is a Waver of the Privilege. 3*dly*, That a *Procedendo* ſhall not be granted, becauſe the Charter is not pleaded, for the Judges give Judgment of the Record, and the Cauſe of their Judgment ought to appear by pleading of the Record: And in the Caſe of a Prohibition, it is not like the Caſe of the 35 *H.* 6. 24. where it is allowed one time by Charter ſhewn, and another time without Demand, or ſhewing Charter. But Juſtice *Yelverton* to the contrary, that it might be remanded upon pleading of the Charter; and he ſaid, that there was a Difference, where the Suggeſtion was upon Matter of Fact, as Preſcription, *&c.* for where an Iſſue may be taken, there it ought to be pleaded in Writing. Upon the whole, Cognizance was allowed to the Univerſity, and a *Procedendo* awarded.

Upon the Anſwer of the *Civilians* of *Doctors-Commons*, who were moſt of them herein conſulted, a Convocation was held on the 10*th* of *April*, 1594. and a Decree made and publiſh'd by the Delegates to the following Effect, *viz.* 'That foraſmuch as in the Yearly Election of 'Proctors it has been often queſtion'd, who 'thoſe are, whom the Statute made in this be-'half declares *abiiſſe cum Pannis*, by which 'means

'means great Conteſts have aroſe among the
'Univerſity Members: Therefore for the fu-
'ture preventing of the ſame, it was inter-
'preted, declared and ordained, That ſuch
'Perſons ſhould be adjudged to have left the
'Univerſity *cum Famis*, who have not been re-
'ſident within the ſame for the Space of ſix
'Months immediately preceding ſuch Election,
'retaining no Chamber, or Part of a Chamber,
'with their Books and other Scholaſtick Uten-
'ſils, at their proper Coſts and Charges, and
'not paying Univerſity Dues, publick and pri-
'vate. Provided nevertheleſs, that if any one
'ſhall, after the ſaid Time of ſix Months, come
'to the Univerſity, *ſtudendi cauſâ*, then before
'he be admitted to give a Vote in ſuch Electi-
'on, he takes an Oath before the Vice-Chan-
'cellor and Proctors, that he comes *bonâ fide*
'to the Univerſity for the ſake of Study, with
'an Intent of keeping four Months Reſidence
'therein (at leaſt) after ſuch an Election, elſe
'he ſhall be utterly excluded the Number of
'Suffragants. But this ſhall in no wiſe extend
'to Fellows and Chaplains of Colleges, nor to
'thoſe who maintain a Family within the Pre-
'cincts of the Univerſity. And by this reaſo-
nable Interpretation the Univerſity is at preſent
governed in moſt Caſes, relating to valid Suf-
frages, in Convocation and Congregation. This
Interpretation was made in purſuance of a Law
or Statute enacted in the Year 1513. on a Diſ-
pute about the Choice of a Proctor, occaſioned
by Maſters giving Voices, who had left the U-
niverſity, or (at leaſt) had not been therein
reſident for the greater Part of the Year:
Whereupon, it was decreed and ordained, That
no one ſhould hereafter give any Vote in the E-
lection of a Proctor, if he had before left the
Univer-

Univerſity, unleſs he took an Oath to be reſident in the Univerſity for the greater part of the Year following, and obſerved all the aforeſaid Conditions of Voting: And this Explanation I have thought fit to inſert here, becauſe it was omitted in its more proper Place.

Upon a Bill in *Equity* as *Debtor* and *Accountant* againſt a Perſon, who has the Privilege of the Univerſity of *Oxford*, the *Defendant* pleaded his Privilege, and a Copy of their Charter of Exemption was ſhewn, which exempts them from the Juſtices of the *one* Bench and the other, and from the Chancery; but not a Word of the Exchequer: Wherefore the Court was of an Opinion, that the Defendant ought to anſwer over, *Niſi &c.* and it ſufficed for the Plaintiff to call himſelf Debtor and Accountant, without more.

Afterwards, in *Michaelmas* Term, the Lord Chief Baron delivered the Opinion of the Court, That the Defendant ought not to be allowed the Privilege of the Univerſity: He ſaid, Sir *Rich. Moor*, one of the Maſters of Chancery, was ſued here by a Bill as *Debtor* and *Accountant*, and was not allowed his Privilege: He cited likewiſe the Earl of *Darby*'s Caſe againſt a Regiſter in Chancery, in which Caſe the Regiſter was deny'd the Privilege of the Court, and that the general Privilege of a Perſon, as a Member of the Univerſity, or a Clerk in Chancery, does not toll the particular Privilege of this Court: Alſo that an Accountant has a more particular Intereſt in his Privilege than a Debtor, altho' his Debt may be taken in Execution for the King, and the King may have Execution upon a Judgment obtain'd at the Suit of his Debtor; becauſe by the 1 *Rich* 3. *chap.* 13. an Accountant is not ſuable elſewhere; and here the

Privi-

Privilege of Exemption granted to the Univerſity has not theſe Words, *Licet tangat nos. Vide Cro. Rep. p.* 73. Wherefore the Defendant's Privilege was diſallowed. *Hardres Rep. p.* 188. *in Scaccario* 13 *Car.* 2. *Wilkins verſ. Shalcroft.*

If the original Cauſe, upon which any Proceſs is founded in the Chancellor's Court of the Univerſity of *Oxford*, be a Matter whereof that Court has no Juriſdiction or Cognizance, a Reſcous in ſuch a Cauſe cannot be a Contempt. Adjudged in the Caſe of *Twicroſs* againſt *Oliver. Hil. Termino* 21 *Jac.* 1.

If a Man be excommunicated before the Chancellor of the Univerſity of *Oxford*, *&c.* and the Chancellor doth certify this Excommunication into the Chancery, *&c.* upon the ſame Certificate the King ſhall direct a *ſignificavit* unto the Sheriff, to apprehend the Party, and the Writ ſhall be ſuch: *Quum Nos de gratiâ noſtrâ ſpeciali conceſſerimus, quòd Cancellarius Univerſitatis Oxon. qui pro tempore fuerit, per Literas ſuas Patentes Cancellario noſtro Angliæ pro tempore exiſtenti ſignificare poſſit & certificare de Nominibus ſingulorum de juriſdictione præfati Cancellarii Oxon. qui majoris Excommunicationis vinculo fuerint innodati, & quòd dicto Cancellario noſtro Brevia noſtra fieri & ſub magno Sigillo noſtro conſignari fac. pro captione eorum qui ſic per dictum Cancellarium Oxon. fuerunt excommunicati, & per quadraginta dies perſeveraverunt in eâd. ad ſignificationem ſive certificationem ipſius Cancellarii Oxon. ſupradicti, prout in Literis noſtris Patentibus inde confectis pleniùs inde continetur; ac Joh. E. Cancellario Univerſitatis prædictæ, &c. per Literas ſuas, &c. quod W. de B. &c. ſuæ juriſdictionis propter ſuam, &c.* as in the Writ. And it ſeems that the University of *Cambridge* has the like Privilege. *Fitz. de Nat. Brev.* 64.

In

In *Michaelmas*-Term, the 8th of *Henry* the Fourth, *Rot.* 72. *coram Rege*, when the Chancellor of the Univerſity of *Oxford* proceeded according to the Rule of the *Civil* Law in a Cauſe of Debt, the Judgment was afterwards reverſed in the *King's-Bench*, wherein the principal Error aſſign'd was, becauſe they proceeded according to the Courſe and Method of the *Civil* Law, *ubi quilibet Ligeus Domini Regis Regni ſui Angliæ in quibuſcunq; placitis & querelis infra hoc Regnum Angliæ, factis & emergentibus de jure tractari debet per communem legem Angliæ*; and altho' King *Henry* the Eighth, in the 14th Year of his Reign, granted to the Univerſity a liberal Charter, enabling them to proceed according to the Uſe and Cuſtom of the Univerſity, *viz.* by a Courſe very much conformable to the *Civil* Law; yet that Charter (in my Lord Chief Juſtice *Hale*'s Opinion) had not been ſufficient to have warranted ſuch Proceedings without the Help of an Act of Parliament: And therefore, in the 13th Year of Queen *Elizabeth*'s Reign, an Act paſſed, whereby that Charter was in effect Enacted; and 'tis thereby that at this Day they have a kind of *Civil* Law Procedure, even in Matters which are of themſelves of *Common* Law Cognizance, where either of the Parties to the Suit are privileged. *See the Hiſtory and Analyſis of the Common Law*, p. 34.

Term. Paſc. 32 *Car.* 2. *Ban. Com.*

A Prohibition was prayed to the Chancellor's Court of the Univerſity of *Oxford* in the Behalf of *Dodwell*, who, being a Townſman of *Oxford*, was libelled againſt in the ſaid Court upon a Statute, or a By-Law of the Univerſity, made in King *James* the Firſt's time, That whatſoever Perſon privileged, or not privileged, ſhould be taken walking in the Streets at Nine of the Clock at Night, or after, having no reaſonable

Excuſe to be allow'd by the Proctors, *&c.* ſhould forfeit 40 Shillings, *&c.* whereof one Moiety was to the Univerſity, and the other to the Proctor, *&c.* that ſhould take him: And that *Dodwell* was taken walking abroad at that Hour, and being demanded a Reaſon thereof, he refuſed to give any Account, *& in Cauſâ Contemptûs & ad morum Reformationem*, this Libel was exhibited. The Prohibition was mov'd for the laſt Term; but in regard the Court obſerv'd, That it touched the Juriſdiction on the one Hand, and concern'd the Rights and Liberties of the Townſmen on the other Hand, they deferred the granting of it until they ſhould hear Council on both Sides, which was appointed this Term. And now ſundry ancient Charters were ſhewn, by which there was granted to the Univerſity a Juriſdiction, *tàm in Laicos quàm in alios*, and a By-Law made above 200 Years ſince againſt *Night-walking*, with the Penalty of 40 Shillings upon the Offender, and Precedents of Proceeding thereupon in the Chancellor's Court; and that they were as well Guardians of the Peace by Preſcription, as by Charter. And an Act of Parliament of the 13th of *Elizabeth* was ſhewn, whereby their Juriſdiction and Privileges and Statutes were confirm'd: And altho' the Mayor hath alſo a Commiſſion of the Peace, yet it is ſubordinate, and he ſwears *Fealty* to the *Chancellor*.

Curia. This Libel is grounded on a By-Law of the 7th of King *James*, and being ſubſequent to that Statute of the 13th of *Elizabeth*, it is queſtionable whether warranted by it or no. This *By-Law* and *Proceeding* cannot be grounded nor derive Authority from their being Guardians of the Peace by Preſcription, as it ſeems they are by 9 *H.* 6. *fol.* 44. for without Act of Par-

Parliament, or expreſs Preſcription, a Corporation cannot make a By-Law to bind thoſe which are not of the Body. *Juſtices* of the *Peace* cannot ordain a *Penalty* for a Crime without their Juriſdiction, and the Proceeding in the Chancellor's Court, which is according to the Civil Law, cannot be warranted by the King's Charter. For no Court, other than ſuch as proceed according to Law, can be, unleſs by Preſcription, or Act of Parliament; wherefore in regard, if the Univerſity ſhould intitle themſelves to this Juriſdiction by Preſcription, it were properly triable by a Jury: And if upon the Act of the 13th of *Elizabeth*, a Matter of Law might ariſe how far the Act might extend.

North Chief Juſtice, *Atkins* and *Scroggs* thought it was not fit they ſhould determine thoſe Queſtions upon a Motion; but inclin'd to grant the Prohibition, and propounded to the Parties to agree that the Libel ſhould be amended where it was grounded upon the By-Law made 7 *Jac.* which being ſubſequent to the Act of the 13th of *Elizabeth*, the Merits of the Cauſe would not be brought before themſelves to determine the grand Points, which was agreed to. And then the Court ſaid, That they would grant a Prohibition, and let the other *Plead*, *&c.* For *North* ſaid, That they did often deny a Prohibition, tho' it were a Writ *ex debito Juſtitiæ*, where they ſaw no Colour for it: But if any material *Queſtions* were like to ariſe, it was proper to grant it, and not to determine them upon Motion, but upon Pleading to the Prohibition, and therein it differ'd from a *Habeas Corpus*, which was to be inſtantly granted, becauſe the Party is in Priſon; but there is no ſuch ſpeed requiſite in a Prohibition.

But

But *Wyndham* was againſt the Prohibition in the Caſe at Bar; for he took it, that the By-Law *(7 Jac.)* was but in Confirmation of that made before, and as a Renewing of it, which he took to be confirm'd by the Act of 13 *Eliz. Nota, Scroggs* ſaid, That *Nine* of the *Clock* could not be held ſuch an Hour, as it ſhould be a Crime for a Townſman to walk at, no more than Three in the Afternoon; tho' for Scholars it might be reaſonable to reſtrain them; but no reaſon that Townſmen ſhould be ſubject to ſuch Rules as were proper for Scholars: And upon this he much grounded his Opinion for a *Prohibition.*

The Arch-Biſhop of *Canterbury* claiming a Right, *jure Metropolitico*, of viſiting the Univerſities of *Oxford* and *Cambridge*, and they inſiſting that this Power of Viſitation was in the King alone, as their King and Founder; the Cauſe came to be heard *June* 21. before the King and Council: The Arch-Biſhop, ſtanding at the King's Right-Hand, ſaid, He having claim'd by Letters to viſit them as within his Province, they anſwer'd, That they ſhould wrong themſelves, if they ſubmitted thereunto, without a Command from his Majeſty; whereupon he deſir'd his Majeſty to hear the Cauſe. The Earl of *Holland*, Chancellor of the Univerſity of *Cambridge*, ſtanding at the King's Left-Hand, ſaid, That he hoped, that the Univerſity of *Cambridge* ſhould not loſe their Privilege of being viſited by his Majeſty only, and by thoſe in Commiſſion under him, as being exempt from the Juriſdiction of all Arch-Biſhops and Biſhops. The King's Attorney-General, arguing for the Arch-Biſhop, ſaid, That the Arch-Biſhop's viſiting the Univerſities, as within his Province, intrench'd not on his Majeſty's Pre-

rogative, who notwithſtanding might viſit by Commiſſion, as Supream Ordinary. The Arch-Biſhop of *Common Right* may viſit the Clergy and People in all Cauſes Eccleſiaſtical, and in all Places within his Province. By the Statute of the 21 *Henry* 8. it appears, that he may viſit Colleges; and by another Statute, that he may reform and puniſh in all Places Exempt or not Exempt. By a Statute of Queen *Elizabeth*, the Arch-Biſhop is to take care and ſee, that the Doctrine of the Church of *England* be maintain'd and obſerved. In the Times of *Edward* the 3*d*, *Richard* the 2*d*, and *Edward* the 4*th*, he viſited the Univerſities in his *Metropolitical* Right, and not by any Bull obtained from the Pope; and there is as great a Neceſſity now as ever, for there may be Chappels in *Cambridge*, which were never conſecrated: And in the Eccleſiaſtical Laws of King *Henry* the 8*th* and King *Edward* the 6*th*, there appears, that there ſhould be no Exemption of Colleges. Sir *John Lamb* ſeconded Mr. Attorney, and ſaid, that the Arch-Biſhop's Viſitation of the Univerſities being of *Common Right*, as Parts of his Province, the Univerſity ought to prove their Exemption; that in Cauſes in the Univerſities they had for many Hundred Years appealed to the Arch-Biſhop, which he would ſhew by Records. The King commanding the Univerſities to ſhew their Exemption, Mr. *Gardiner*, Recorder of *London*, ſpake for the Univerſity of *Cambridge*, and ſaid, That the Queſtion was, whether his Majeſty had the ſole Power of Viſiting, or the Arch-Biſhop a concurrent Power. No (ſaid the King) 'tis whether he has not Power to viſit there, as within his Province? The Recorder then thus proceeded: In *England* Arch-Biſhops, Biſhops and Arch-Deacons viſit; the Biſhops once in three

three Years, the Arch-Biſhop once in his Time. *Here the Arch-Biſhop interpoſing, ſaid, That he might viſit as often as he pleaſed:* But the Recorder went on, and ſaid, that in the Univerſity there are a Chancellor, Vice-Chancellor, Proctors, *&c.* who may proceed by Excommunication, Baniſhment and Incarceration, which is more than appertains to a *Metropolitical* Viſitation. Once a Biſhop of *Ely* excommunicated one of the Members of the Univerſity of *Cambridge*; but the Biſhop was excommunicated, and made to ſubmit himſelf: and farther than this, there is no Precedent that the Biſhop did ever intermeddle. In the Petition of the Univerſity of *Cambridge* to the Parliament, this Univerſity is ſtiled an Univerſity founded by his Majeſty's Progenitors; which intitles the King to the Power of Viſitation, and is an Exemption from *Ordinary* Juriſdiction; for other Exemptions they have Bulls from the Pope, and Charters. In *Richard* the 2*d*'s Reign moſt of the Charters were burnt in an Inſurrection there; but in *Henry* the 6*th*'s Time many of them were confirmed upon a Suit to the Pope, and a Commiſſion; whereupon Witneſſes were examin'd, and two antient Bulls were then diſcover'd for exempting them from *Metropolitical* Viſitation; the one tranſmitted in the Year 624, and the other in the Year 699. The Arch-Biſhop reply'd, that theſe Exemptions were not to be found in any Priories or Nunneries at their firſt Foundation; but when they got any Money, they ſent to *Rome* for an Exemption. The King ſaid upon this Occaſion, that the Pope doth as much to bear down Biſhops, as any Puritan in *England*. In the cloſe, the Arch-Biſhop complained, that there were three Chappels in *Cambridge* never conſecrated; but Dr. *Chad-* *5 R. 2.*

derton told him, that they were conſecrated by Faith and a good Conſcience: Beſides, the Students come into the Chappel without their Surplices, *&c.* and other Dangers were growing in Religion. The Earl of *Holland* offering, that all this might be reformed by the King's Commiſſion to viſit, which the Arch-Biſhop might have; No (ſaid the Arch-Biſhop) I deſire to viſit by my own Power. Upon the Hearing, the King with the Advice of his Privy Council declared, That the Arch-Biſhop might *jure Metropolitico* viſit his whole Province, within which the Univerſities are ſituate; and that they could not be exempted by any *Papal* Bull, and they were not exempted by *Royal* Charter; that a long Omiſſion to viſit could not bar the *Metropolitical* Right, whereby (and not by a *Legatine* Power) the Univerſities had been viſited by the Arch-Biſhops thrice; and upon Reſiſtance made by *Oxford*, it was adjudged by King *Richard* the 2*d* and *Henry* the 4*th* for the Arch-Biſhops; and theſe Judgments were afterwards confirmed in Parliament by the 13*th* of *Henry* the 4*th*. And the Arch-Biſhop produced before his Majeſty the original Renunciation under the Hands of the Heads of Houſes in *Cambridge*, of all Bulls and other Privileges granted by Popes, dated 27 *Hen.* VIII. And ſo the King adjudged it for the Arch-Biſhop againſt himſelf. The Arch-Biſhop then moved his Majeſty, that he might have this Sentence under the Broad Seal; and that the two Univerſities might be exempt from the Viſitation and Juriſdiction of the Biſhop and Arch-Deacon: And that notwithſtanding the Cuſtom of viſiting *ſemel in vitâ tantùm* Metropolitically, he might viſit as often as any emergent Cauſe ſhou'd move him, if firſt made known to his Majeſty. All which

the

the King granted, and declared, that at ſuch a Viſitation the Chancellor need not appear in Perſon, but ſhou'd be allow'd his Proctor. Serjeant *Thynn* ſpoke for the Univerſity of *Oxford*, which (he ſaid) was a Foundation long before the Conqueſt, and never had any Viſitation by an Arch-Biſhop; ſo that this Univerſity might preſcribe to this Exemption: But the King telling him that a bare Preſcription would not do it, he reply'd, That tho' they had no Records ſo antient, yet that they had divers Recitals in King *Edward* the 3*d*'s Time, which plainly ſhew, that they had ſome original Grant of Exemption. Pope *Boniface* the 8*th* granted to *Oxford* an Exemption from Archiepiſcopal and Epiſcopal Juriſdiction. It is true, this Matter coming before King *Richard* the 2*d*, the King declared, that this Viſitation did belong to the Arch-Biſhop; but this Sentence was grounded on the King's being miſinformed of the Law, and the Arch-Biſhop then was a very potent Man, and this was only an Attempt to viſit; but neither he nor any other Arch-Biſhop ever viſited *Metropolitically*; nor was there ever an Appeal in any Cauſe from that Univerſity to the Arch-Biſhop. The Arch-Biſhop declared, that he did not intend to meddle with any College Statute, nor with thoſe of the Univerſity, nor with the particular Viſitors of any College; but *Metropolitically* to viſit the Body of the Univerſity, and every Scholar in it, for his Obedience to the Doctrine and Diſcipline of the Church of *England*. He ſaid, that the Exemptions of Monaſteries, *&c.* were gained of the Pope for Money to bring down the Juriſdictions of Biſhops, and the Council of *Trent* and the *Spaniſh* Biſhops play'd their Part therein: And as for the Popes, *&c.* they were all gone at one *Arundell.*

Blow, by the Statute of *Hen.* 8*th.* And he ſaid, that he would ſhew a Bond of 1000 *l.* (as well as the Deed of Renunciation before mentioned) from the Univerſity of *Cambridge*, not to oppoſe his Juriſdiction: That *Anno* 1506. *Chriſt's College* was ſubject to the Biſhop's Viſitation as Ordinary: That the Arch-Biſhop viſited *Cambridge* in his *Metropolitical* Right for three whole Years together. To which the Recorder reply'd, That that was from the Year 1401 to the Year 1404. in very troubleſome Times, but that the like had never been offer'd ſince. Sir *John Banks*, Attorney-General, argued, that the Bulls, which the Univerſity inſiſted on, were of no Validity; for in the Statute of the 28*th* of *Henry* the 8*th*, there is a ſaving only of ſome few, which were confirmed under the Great Seal of *England*, and they ſhew no ſuch here. They object, that the Arch-Biſhop has no *Metropolitical* Viſitation, for that the Univerſity is of the King's Foundation; whereas the Deanery of *Wells* was diſſolved, and founded anew by King *Edward* the 6*th*; and yet it was adjudged, that the Arch-Biſhop may *Metropolitically* viſit the ſaid Deanery; and as for Preſcription, it lies not againſt a *Metropolitical* Viſitation. And it being objected that *Peckham* viſited the Univerſities not *Metropolitically*, but as *Legatus natus*; Dr. *Duck* anſwered, That *Legatus natus* hath only a Power to grant a Viſitation, but not to viſit Metropolitically; and a Difference was taken between the Power of a *Legate born*, and a *Legate à Latere*; for the one may viſit, and the other not. And the Arch-Biſhop ſaid, that Arch-Biſhop *Arundell* was baniſhed for bringing in a *Papal* Bull; it being uſual, even in the Times of *Edward* the 1*ſt* and *Edward* the 3*d*, to ſend forth Proclamations againſt them who did

ſo,

ſo. He ſaid, that altho' what was done in *Richard* the 2*d*'s Reign, was done in a troubleſome Time; yet King *Henry* the 4*th* pronounced the ſame Judgment, *viz.* That the Arch-Biſhop had a Right to viſit the Univerſity, which was confirm'd by Act of Parliament. But the Recorder anſwer'd, that this Act of Parliament concerned not *Cambridge*, but *Oxford* only, which had obtained an exorbitant Bull from the Pope to countenance Hereticks and other Malefactors, and had oppoſed the Arch-Biſhop *manu forti*; which occaſion'd that Submiſſion to the Judgment of *Richard* the 2*d*, upon which *Henry* the 4*th* grounded his Judgment afterwards, *viz.* That the Arch-Biſhop of Right ſhould viſit; and thus this King diſannulled the Bull. Here the Lord Privy Seal interpoſed, that there were Grants of later Kings, which confirm to the Univerſities ſuch Privileges as they claim by any Charter or Bull: But the King adjudged it for the Arch-Biſhop againſt *Oxford*, as he had done before againſt *Cambridge*.

It is allowed, that the Arch-Biſhop has Power to viſit the two Univerſities *Metropolitically*, in Matters relating to the Doctrine and Diſcipline of the Church of *England*, as for *Hereſy* and *Schiſm*, but not for other Crimes; and if he ſhould attempt the ſame, he might be oppoſed: For altho' the King adjudged this Point in favour of the Arch-Biſhop, yet ſuch Judgment was contrary to Law, and grounded on the Advice of evil Counſellors, who ſurrounded the Princes Throne, and poiſon'd his Ear with the crude Notions of Arbitrary Power for many Years together: Beſides, he was herein much governed by the Reſpect which he had for Arch-Biſhop *Laud*, who graſped at a large

Power, and knew how to make uſe of it with as much Sway and Command, as any Prelate upon Earth. It is to be obſerved, that between *Arundell* and *Laud* there had been 13 Arch-Biſhops, among whom there was not any beſides Cardinal *Pole* (who viſited the Univerſity by his Legatine Authority) who pretended to revive their Title to a *Metropolitical* Viſitation, or a *Legatine* Juriſdiction: And it is eaſy to imagine for what Reaſons this Arch-Biſhop attempted this new Piece of ſpiritual Lordſhip over the Univerſities, being a great Lover of all kind of Power.

The enſuing Orders were publiſh'd by the Queen under the Great Seal of *England*, on the 4*th* of *July*, in the Year 1574. and afterwards being tranſmitted, were publiſh'd at *Oxford* on the 19*th* Day of *May*, in the Year 1575.

Reg. K. *fol.* 192, & 197. *Elizabetha Dei gratiâ Angliæ, Franciæ & Hiberniæ Regina, fidei Defenſor, &c. Omnibus ad quos præſentes literæ pervenerint, Salutem. Inſpeximus irrotulamentum cujuſdam Warranti noſtri gerentis datum apud Greenwich decimo ſeptimo die Maii ultimè præterito, perdilecto & fideli Conſiliario noſtro Nicolao Bacon Militi, Cuſtodi Magni Sigilli noſtri Angliæ, confecti, & in Rotulis Cancellariæ noſtræ irrotulati, in hæc verba, viz. Elizabeth* by the Grace of God Queen of *England*, *France*, and *Ireland*, Defender of the Faith, *&c.* To our Right Truſty and Well-beloved Counſellor, Sir *Nicholas Bacon*, Knight, Keeper of the Great Seal of *England*, greeting. Whereas

as we have been inform'd, that heretofore there have been divers Controverſies, Debates and Strifes between the Vice-Chancellor, Maſters and Scholars of our Univerſity of *Oxford*, and the Mayor, Bailiffs and Burgeſſes of our Town of *Oxford* aforeſaid, wherein our Privy Council having ſundry times heard the Allegations of both Parties, and their learned Counſel, and taken the Advice of *Roger Manwood* and *Robert Monſon*, two of our Juſtices of *Common Pleas*, and our Attorney and Sollicitor General, have with good Deliberation made certain Orders, agreeing with Law and Equity, and to be practis'd by both Parties accordingly. To the intent that the ſaid good Order may enſue and continue hereafter to the more Quietneſs, and better Preſervation of Juſtice; we do herewith ſend unto you the ſaid Orders contain'd in a Schedule, ſubſcrib'd with the Hands of our ſaid Council, which at the humble Interceſſion of our Right Truſty and Well-beloved Couſin and Counſellor, the Earl of *Leiceſter*, Chancellor of our ſaid Univerſity, our Will and Pleaſure is, and ſo we require you, to cauſe to be entred and enroll'd in our Chancery, to remain in Record, and to be us'd and exemplify'd hereafter under our Great Seal, for the Benefit of the Chancellor, Maſters and Scholars of our ſaid Univerſity, or any others, as the Caſe ſhall require, and theſe our Letters ſhall be your ſufficient Warrant in this behalf. Yeoven under our Signet at our Mannor of *Greenwich*, the ſeventeenth Day of *May*, 1575. in the ſeventeenth Year of our Reign. *Per ipſam Reginam, &c. & Warrantum inde remanet in cuſtodiâ prædicti Cuſtodis Magni Sigilli. Inſpeximus etiam Irrotulamentum quarundam Ordinationum virtute Warranti prædicti in rotulo Cancellariæ noſtræ prædictæ,*

dicta, irrotulat. in hac verba, viz. Whereas heretofore there have been divers Controverſies, Debates and Strifes between the Vice-Chancellor, Maſters and Scholars of the Univerſity of *Oxford* on the one ſide, and the Mayor, Aldermen and Commons of the ſaid City on the other ſide, touching the Uſe and Exerciſe of ſundry Charters and Privileges, alledged by both Parties, for the Maintenance of ſuch Liberties, and other things, as were claimed by them. Whereupon did and was daily more and more like to enſue great Diſquietneſs in the ſaid Univerſity and Town, not meet to be ſuffer'd: Wherefore upon the Repair hither of Mr. *D. Humphrey*, Vice-Chancellor, and certain other Officers of the ſaid Univerſity, and *Rog. Taylour*, Mayor, with ſome of the Aldermen, and the Recorder, Town-Clerk and Burgeſſes of the ſaid City of *Oxford*, their Lordſhips thought it convenient to move both Parties to ſubmit the Hearing of the Cauſes of their Controverſies in Law, to grave and indifferent Men, learned in the Laws of the Realm: Whereupon both Parties did aſſent, that all and ſingular the ſaid Controverſies and Debates, ſhould be committed to the Hearing, Report and Conſideration of *Rog. Manwood* and *Rob. Monſon*, two of the Juſtices of the *Common Pleas*, *Gilbert Gerard* and *Tho. Bromley*, her Majeſty's Attorney and Sollicitor General; who by Order of their Lordſhips ſundry Times called before them both Parties, and thereupon the ſaid four Commiſſioners ſet in Writing their Opinions concerning the ſaid Controverſies, as agreeable with Law and Juſtice; and afterwards their Lordſhips, having had at their ſeveral Times of Meeting the ſaid Vice-Chancellor, and Officers of the Univerſity, with their learned Counſel, whereof the one Time was at the Star-

Star-Chamber, and the Mayor, Aldermen, Recorder and Town-Clerk, of the ſaid City, before them, with their learned Counſel at the ſame Time and Place, where the Lord Keeper of the Great Seal of *England*, and ſome others of the Privy-Council, beſides theſe above-mentioned were preſent, and with Deliberation conſidered not only the Report of the ſaid Committees exhibited in Writing, but alſo particularly in the Preſence of the ſaid Committees, and all the Parties, heard the Circumſtances of the whole Matter, Claims, Anſwers and Replies, on both ſides, what each Party could alledge, and ſo with great and advis'd Deliberation, their Lordſhips have, according to Right and Equity, for the Benefit and Quiet both of the ſaid Univerſity and City, Places neceſſary to be ordered always by the Order and Authority of the Privy Council, thought convenient and neceſſary to have theſe Orders following ſet down, to be inviolably hereafter obſerved by both; and upon the Return of the ſaid Vice-Chancellor and Mayor, within 14 Days to be publiſh'd and notified by them in the common Places of the Aſſemblies of the ſaid Univerſity, to be by them appointed and called together for that Purpoſe; as in like ſolemn Acts hath been heretofore accuſtomed, as Orders enjoin'd unto them from their Lordſhips, in the Queen's Majeſty's Name, and there to be regiſtred in the common Book of the ſaid Univerſity and City, to remain as a perpetual Memory and Record of ſuch Orders between them, as followeth.

The Arrearages of 1500 Marks.

Imprimis, Whereas the ſaid Univerſity demandeth of the ſaid City the Sum of 1500 Marks, for the Arrearages of an Annuity or annual Payment of 100 Marks yearly, payable by

by the ſaid City for a Memorial or Pennance of a Slaughter committed by their Predeceſſors in a Conflict againſt the Univerſity; and for Payment whereof their Predeceſſors ſtand bound to the ſaid Univerſity by their Deed obligatory, bearing Date the 15th Day of *May*, in the 31ſt Year of the Reign of K. *Edward* III. of *England*, and the 18th Year of his Reign of *France*, *&c.* now due and unpaid, as the ſaid Univerſity alledgeth, for 15 Years now laſt paſt. For ſo much as the ſaid City hath ſhewed unto us the ſaid Committees, a Defeazance of the ſaid Bond from the ſaid Univerſity, bearing Date about the ſame Time, whereby the ſaid Univerſity did then grant and agree, that if the Mayor and Burgeſſes of the ſaid City procur'd Maſs to be ſaid yearly, and at the ſame time did offer for the Souls of them that were ſlain in the ſaid Conflict, that then the Grant or Bond of 100 Marks yearly ſhould be void, for ſuch and ſo many Years only, and for no more, wherein the ſaid Maſs and Offering was and ſhould be procured and performed accordingly: And for that the ſaid Condition is now and by the Space of the ſaid 15 Years laſt paſt hath been againſt Law, ſo that the ſaid City could not, nor may lawfully perform the ſame *verbatim*, according to the ſaid Defeazance. It is therefore thought good and reaſonable, and ſo ordered, that the ſaid City, performing the true Meaning of all things hereafter mentioned, on their Part to be perform'd, ſhould be diſcharged of the ſaid Arrearages. And becauſe the true Intent of the ſaid Bond was principally to continue a perpetual Memory of the ſaid Slaughter and Miſdemeanor committed by the ſaid City, to their Terror for ſo doing, or attempting the like: It is likewiſe thought reaſonable

ſonable and convenient by their Lordſhips, that the ſaid Mayor and Burgeſſes of the ſaid City ſhall cauſe yearly a Communion or Sermon to be made in St. *Mary*'s Church there, on the Day mentioned in the ſaid Defeazance, and then and there, with ſuch Number of the City as in the ſaid Bond or Defeazance are mentioned, make their Oblation yearly of a Penny a-piece (at the leaſt) to the ſaid Univerſity, for a perpetual Memory or Remembrance of the ſaid Slaughter or Miſdemeanor by them committed, as aforeſaid, and not for the Souls of the Parties then ſlain, or for any other ſuperſtitious Uſe.

Poſt-Horſes.

2. *Item*, Whereas by Letters Patents of King *Henry* VIII. bearing Date the firſt Day of *Apr.* in the 14th Year of his Reign, it is granted to the ſaid Univerſity, that neither the Horſes of the Chancellor or Scholars of the ſaid Univerſity, nor of their Servants, nor of the Servants of the ſaid Univerſity, ſhould be taken for *Poſt-Horſes* or other Purpoſes, againſt their Will. And they complain that the Citizens of the ſaid City have taken the Horſes of divers Scholars and privileged Perſons, contrary to the ſaid Charter, and true Meaning thereof: It is thought reaſonable and agreeable to Law and Equity, and therefore order'd, that the ſaid Univerſity ſhall enjoy the Benefit of the ſaid Charter touching the ſame; and that neither the ſaid Citizens, nor any of them, ſhould by any Colour, at any Time hereafter, take the Horſes of any Scholars or Perſons privileged of the ſaid Univerſity, without the Aſſent of the ſaid Univerſity, or of the Chancellor or Vice-Chancellor thereof, or of the ſaid Scholars or privileged Perſons.

Oath of the Mayor, &c.

3. *Item*, Whereas the ſaid Univerſity ſheweth again by the Charter, bearing Date the 27th Day

Rather 18 *Ed.* 1. *à die Paſchæ per* 15 *dies.*

Day of *June*, in the 52d Year of the Reign of K. *Hen.* 3. that whenſoever the Mayor and Bailiffs of *Oxford* ſhould take their Oath in the common Place of their Aſſembly, Warning ſhould be given thereof to the Chancellor of the ſaid Univerſity, by the Commonalty of the ſaid City, that either he might be there, or appoint ſome other in his Place; and that the ſaid Mayor and Bailiffs ſhould there take an Oath to obſerve and keep the Liberties and Cuſtoms of the ſaid Univerſity. And whereas the ſaid Univerſity now complain, that neither the Oath hath been taken, nor Warning given in Form aforeſaid: And whereas the ſaid City for anſwer hereto alledge, that they have not uſed to make any ſuch Oath in their Common Place of Aſſembly, nor to give any ſuch Warning; but ſay, that they have uſed, upon Warning given to them by the Univerſity, to take the ſame Oath in the Univerſity Church there, with a *Saving* always of the Liberties of the City: It is thought reaſonable and convenient, and ſo order'd, that the ſaid Oath mentioned in the ſaid Charter, ſhall be taken by the Mayor and Bailiffs, and others of the ſaid City, chargeable by the ſaid Charter thereunto, yearly from henceforth *verbatim*, according to the ſaid Charter, before the Mayor's Entry into the Execution of his ſaid Office, and without any *Saving* of the Liberties of the ſaid City; ſaving that, whereas the ſaid Charter appoints it to be taken in the Common Place of Aſſembly of the ſaid City: It is now thought good and hereby appointed to be taken and done in the ſaid St. *Mary*'s Church, for that Purpoſe lately accuſtom'd, adding only before theſe Words in the Oath, *Liberties and Cuſtoms of the Univerſity, &c.* this Word, *Lawful*, as enſueth, *viz. You ſhall ſwear, That truly you ſhall*

ſhall obſerve and keep all Manner of Lawful Liberties and Cuſtoms of the ſaid Univerſity, which the Chancellor, Maſters, and Scholars have reaſonably uſed, without any Gain-ſaying, ſaving your Fidelity to the Queen's Majeſty.

4. *Item*, That whereas K. *Edw.* III. by his Letters Patents, bearing Date the 12th Day of *April*, in the 10th Year of his Reign, did grant to the ſaid Univerſity, that Men bringing Linen or Woollen Cloth to the Town of *Oxford*, or Suburbs thereof, might lawfully ſell the ſame by Retail or Wholeſale, to Scholars or others mention'd in the ſaid Charter, at their Pleaſure and Will, without Let or Diſturbance of the Mayor, Bailiffs, or Burgeſſes of the ſaid City: Contrary to which Grant the ſaid Univerſity complains, that the ſaid Mayor and Burgeſſes will not ſuffer poor Men bringing Woollen or Linen thither, to ſell the ſame by Retail accordingly: Whereunto tho' the Anſwer of the ſaid City is, that the ſaid Grant made to the ſaid Univerſity by the ſaid Letters Patents, is contrary to their ancient Liberties, before that time to them granted and confirm'd by Letters Patents, and Acts of Parliament; yet ſeeing their Allegation hath not been found to be ſufficient, it is thought lawful and convenient, and ordered, that every Perſon bringing any Linen or Woollen Cloth to the ſaid City of *Oxford*, may lawfully ſell the ſame by Retail or Wholeſale, to any Scholar or privileged Perſons of the ſaid Univerſity, or to any other in the ſaid Charter licenſed; and that the ſaid Scholars and privileged Perſons, and others aforeſaid, may lawfully buy the ſame, without Interruption of the ſaid City, or any of them at all times hereafter.

5. *Item*, Whereas the ſaid Univerſity, as well by Letters Patents of K. *Henry* VIII. bearing Date

Date the firſt Day of *April*, in the 14th Year of his Reign, as alſo by a Compoſition between the ſaid Town and Univerſity, in the Time of King *Edw.* I. claims Liberty and Freedom within the ſaid City and Suburbs, for all Scholars, their Servants and Miniſters, with their Families, and all other privileged Perſons of the ſaid Univerſity, to exerciſe any kind of Merchandize, and buy and ſell things that be bought and ſold within the ſame City and Suburbs openly and freely, and by Virtue of the ſaid Grant, to be exonerated from all *Contributions*, *Concord*, *Payment* or *Licenſe*, for ſuch Liberty; to be paid to the ſaid Mayor, Aldermen, Bailiffs, or any Miniſter or Commonalty of the ſaid Town; and complains that their ſaid Liberty is interrupted and denied by the ſaid Mayor and other of the ſaid City, whereunto the ſaid City anſwers in effect as before; *That the ſaid Grant is contrary to their Liberties before that time to them granted*; which Allegation being not found ſufficient; it is thought lawful and ordered, That all the Scholars, their Servants and Miniſters, and all other the ſaid Privileged Perſons, ſhould have and enjoy the Liberty and Freedom, above in this Article by them claimed, in ſuch Manner and Form, and ſo clearly and freely, as by the Charter above in this Article rehearſed, is to the ſaid Univerſity granted, the ſaid privileged Perſons *Tailliable with Scot*, *Lot*, and other *Charges*, as like Occupiers being Freemen of the ſaid City, do, and ought lawfully to do for the ſaid Merchandize.

6. *Item*, Whereas, as well by Charter of K. *Rich.* II. bearing Date the 15th Day of *July*, in the 14th Year of his Reign, as alſo by a former Charter of K. *Edw.* I. the Chancellor of the ſaid Univerſity claims Cognizance of all Manner

ner of Pleas Perſonal, as well of Debts, Accounts, and all other Contracts and Injuries, as Tranſgreſſions againſt the Peace, Miſpriſions, and all other Actions Perſonal, within the ſaid City of *Oxford*, and the Suburbs thereof, and all other Places, within the Precincts of the ſaid Univerſity, (Felony and Mayhem only excepted.) And whereas the ſaid Chancellor and Univerſity by the ſaid Charter, *Anno* 14 *H.* 8. confirm'd by Act of Parliament *Anno* 13. *Reg. Eliz.* claim to be Juſtices of the Peace, and to do all things thereunto appertaining, within the ſaid City and Univerſity, when any Maſter, Scholar, Miniſter, or other privileged Perſon, is one of the Parties: And that no Juſtice nor Judge (in the Preſence or Abſence of the ſaid King, and his Heirs) Sheriff, Mayor, or any Miniſter whatſoever, in ſuch Pleas, ſhall intromit themſelves, *&c.* but that the ſaid Chancellor and his Succeſſors, and their Commiſſaries or Lieutenants only, ſhall be corrected and puniſh'd in Form aforeſaid: And complains, that of late ſundry privileged Perſons have been called before the Mayor and his Brethren, and ſundry Proceſſes awarded out, tending to the Out-lawry of them. Whereunto foraſmuch as the City makes no ſufficient Anſwer: It is thought lawful, convenient and neceſſary, and therefore ordered, that no Scholar or privileged Perſon, ſhall be ſued or moleſted in the ſaid City before any Judge or Juſtice there, but only in the Court of the Univerſity aforeſaid: And that all Indictments, Out-lawries, and Proceedings againſt ſuch Scholars and privileged Perſons, contrary to the Charter above expreſſed, heretofore had, or hereafter to be had, are and ſhall be declar'd and taken as unlawful, unduly, and without Warrant proceeded in and done againſt them.

Item, Whereas the Chancellor of the ſaid Univerſity claims by Preſcription to keep Leets in the *Guild-hall* of the ſaid City, and by the Letters Patents of K. *Henry* VIII. bearing Date the firſt Day of *April*, in the 14th Year of his Reign, that the ſaid Chancellor, or his Deputy, at any Leet from thenceforth to be by them kept, within the Precincts of the ſaid Univerſity, ſhould make Precepts to the Miniſters or Miniſter of the ſaid Univerſity; and that they, or one of them, , ſhould have full Power and Authority from Time to Time, to return Precepts, Pannels and Attachments, before the Chancellor, Commiſſary, or his Deputy; and further to execute and do all and every Thing and Things, as the King's Miniſters are wont and ought within the Realm of *England*, and all thoſe Things which belong or ought to belong to the ſaid Frank-Pledge; and complain, that when they ſhould have kept their Leet, and executed other Points of their Privilege accordingly, the Mayor and Bailiffs ſhut the *Guild-hall* Door, and would not ſuffer them to enter, nor keep their Leet there, as was accuſtomed. In anſwer whereto, for that the ſaid City denies not the Preſcription and Charter aforeſaid to keep the ſaid Leet as is aforeſaid; but ſay, that the Cuſtom aboveſaid is, that the Precepts for Returning of the Juries that ſhould enquire in the ſaid Leet, ſhould be directed to the Bailiffs of the ſaid City, and Eſtreats; ſaving for the Correction of the Aſſize of Bread, Wine, Ale, putrified Fiſh and Fleſh, Regrators, Foreſtallers, *&c.* ſhould be delivered to them, to be levied to the Uſe of the ſaid City, and the Citizens not to be impanell'd with Foreigners, nor no Officer to execute any Proceſs within the ſaid City, other than the Bailiffs thereof; which, becauſe the

ſaid

ſaid Univerſity would not allow, they would not let them enter into the *Guild-Hall*, as is aforeſaid, as the ſaid City alledge: But now, to the Intent that all Offences in the Leet may be the more effectually and indifferently preſented and puniſh'd, it is thought convenient, and ſo ordered, that the ſaid Univerſity ſhall keep their Leet in the *Guild-Hall* aforeſaid, as hath been accuſtomed, and as in the ſaid Charter is mentioned, *ſaving* they ſhall make two Precepts for ſummoning of two Juries to enquire therein, the one to the Officers of the Univerſity, the other to the Bailiffs of the City; and they are to return two ſeveral Juries to be ſeverally ſworn, and to make ſeveral Inquiſitions there, and the Eſtreats and Amerciaments of ſuch Leets to be gather'd by ſuch Officers, and to ſuch Uſe as heretofore hath been accuſtomed, without Interruption or Diſturbance hereafter of the ſaid City, or any other by their Means.

The City's pretended Corporation of Brewers abrogated.

Item, Whereas, as well by Charter of King *Edw.* 3. bearing Date the 27th Day of *June*, in the 21ſt Year of his Reign, as by Act of Parliament made in the 12th Year of the Reign of *Edw.* 4. the Chancellor of the ſaid Univerſity, his Commiſſary and Lieutenant, hath and ought to have wholly and ſolely the Cuſtody of the Aſſize of Bread, Ale and Wine, together with the Puniſhment of all Offenders, and the Fines, Iſſues, and Commodities thereupon ariſing; yielding and paying therefore yearly in the Queen's Highneſſes Court of Exchequer, as by the ſaid Charter and Act of Parliament may appear. And further, whereas the *Brewers* of the City of *Oxford* have lately procur'd to themſelves a pretended Charter of Incorporation or Society, and ſundry new Laws and Ordinances touching the ſame, to the manifeſt Derogation

of the Liberties of the ſaid Univerſity; eſpecially for that the Chancellor, by the Aſſent of the *Convocation*, hath Authority to make Societies or Corporations, namely, concerning Victuallers, and ſundry others, as appears by the ſaid Charter of K. *Hen.* 8. which ſaid pretenſed Corporation or Society of the *Brewers*, newly deviſed, to the Diſturbance of the Liberties of the Univerſity, is and hath been one of the chief and original Cauſes of this Variance and Strife, betwixt the Univerſity and City: It is thought convenient and neceſſary, and therefore ordered, that the ſaid new Device of the Society of *Brewers*, concerning ſundry new Laws and Ordinances, be brought in and cancelled before the Chancellor or his Commiſſary, without Delay, and declared from thenceforth to be void.

Item, Whereas the late Bailiffs of the ſaid City diſorderly did ſhut the *Guild-Hall* Door againſt the Commiſſary, Doctors, Proctors, and Regents of the Univerſity, they intending and coming thither to keep their Leet for the Queen's Majeſty's Service, where the Chancellor and his Commiſſary always heretofore have kept their Leet. And alſo whereas in the late Time of Queen *Mary*, there was a Decree made by the Lords of the Council in the Star-Chamber, that in the like Affairs of the Univerſity, the *Guild-Hall* ſhould be ſet open to the Chancellor or his Commiſſary, under the Pain of 200 *l.* It is thought good and order'd, that the ſame Decree and Cuſtom be hereafter obſerved upon the Payment there limited. And for the Diſorder lately committed, in not ſuffering the Commiſſary, and others aforeſaid to keep the Leet in the ſaid *Guild-Hall*, as they were accuſtom'd; their Lordſhips, upon Condition that the ſaid Mayor

Mayor and Bailiffs ſhall willingly and obediently obſerve all ſuch Orders, as be here ſet down, do think convenient; that the ſaid Univerſity do remit the ſaid Forfeiture of 200 *l.* for this Time only; otherwiſe to be at Liberty to proſecute the ſaid Pain according to the Law and Juſtice. All and ſingular which Orders, their Lordſhips will to be regiſtred here, in the Book of Her Majeſty's Privy-Council, and two Duplicates thereof to be ſign'd by the Lords of the Council, and to be afterwards inſerted among the Records of the ſaid Univerſity, ſtraitly willing and charging in Her Majeſty's Name, all and ſingular Perſons, as well of the Univerſity as City, to obey and obſerve the ſame humbly and dutifully, as they and every of them will upon Her Majeſty's Indignation, and their own Perils, anſwer to the contrary.

N. Bacon, Cuſtos Sigilli.

Nic. Bacon	*Rob. Leiceſter*
Will. Burleigh	*Fran. Knollis*
Tho. Suſſex	*James Crofts*
Arundell	*Tho. Smith,*
Fran. Bedford	*Fran. Walſingham*

CHANCELLORS *of the Univerſity of* OXFORD.

1233 RAlph Cole
34 Idem Cole
38 Simon de Bovill
39 John de Rigater
1240 Rich. de la Wyke
44 Simon de Bovill
46 Gilb. de Biham, *A.M.*
1252 Ralph de Sempling-ham
53 Idem Ralph, *A. M.*
55 Will. de Lodelawhe, *A. M.*
56 Rich. de St. Agatha
1262 Tho. de Cantelupe, *A. M.*
67 Nic. de Ewelme, *A.M.*
68 Idem Nicholas
69 Tho Beke, *A. M.*
1270 Will. de Boſco
73 Idem William
74 Euſtace de Norman-ville
1280 H. de Stanton, *J.C.P.*
81 Idem Henry
82 Will. de Mountford, *J. C. P.*
1283 Roger de Rowell
84 Idem Roger
85 Harvey de Saham
86 Idem Harvey
87 Idem Harvey
88 Rob. de Winchelſey, *A. M.*
89 Will. de Kingſcote, *A. M.*
1290 John de Ludlow, *A. M.*
91 Sim. de Gaunt, *S.T.P.*
92 Idem Simon
93 Roger de Mortivalls, *S. T. P.*
94 Roger de Weſenham, *S. T. P.*
95 Idem Roger
96 Idem Roger
97 Rich. de Clyve
98 Idem Richard
99 Idem Richard
1300 James de Cobeham
01 Idem James
02 Idem James
03
04 Sim. de Faverſham

1305

1305 Idem de Faverſham
06 Walt. Giffard
1311 Hen. de Mansfield
13 Hen. de Herclay
14 Idem de Herclay
15 Idem de Herclay
16 Rich. de Nottingham
17 John Lutterell
18 idem Lutterell
19 idem Lutterell
1320 idem Lutterell
21 idem Lutterell
22 idem Lutterell
23 Henry Gower
24 Will. de Alburwyke
25 Idem Alburwyke
26 Tho. Hotham
27 Idem Hotham
28 Ralph de Shrewsbury
29 Rog. de Streton
1330 Nigell de Waure *or* Wavery
31 Idem Nigell
32 Ralph Radyn
33 Idem Ralph
34 Hugh de Willougby
35 Rob. de Stratford
36 Idem Stratford
37 Idem Stratford
38 Rob. Paynink
39 William de Skelton
1340 Idem Skelton
41 Will. de Bergeveney
42 Idem William
43 Idem William
44 Idem William
45 John de Northwode
46 Idem Northwode
1347 Idem Northwode
48 Idem Northwode
49 John Wyllyot
1350 Will. de Palmorna
51 Idem de Palmorna
54 Hum. de Charleton
55 Idem Humphrey
56 Idem Humphrey
57 Idem Humphrey
58 John de Hotham
59 Idem de Hotham
1360 Nic. de Aſton
61 Idem Nicholas
62 Idem Nicholas
63 John de Echingham
64 Idem Echingham
65 Idem Echingham
66 Adam Tonworth
67 Will. Courtney
68 Idem Courtney
69 Idem Courtney
1370 Adam Tonworth
71 Will. de Heytesbury
72 Will. de Remmington
73 Idem Remmington
74 Will. de Wylton
75 Idem William
76 John Turke
77 Adam Tonworth
78 Idem Tonworth
79 Rob. Ayleſham
1380 Will. Berton
81 Rob. Rugge
82 Will. Berton
83 Rob. Rugge
84 Idem Rugge
85 Idem Rugge
86 Idem Rugge

1387 Idem Rugge
88 Idem Rugge
89 Tho. Brightwell
1390 Tho. Cranley
91 Rob. Rugge
92 Ralph Rudrith
93 Tho. Presbury
94 Rob. Allyngton
95 Tho. Hyndman
96 Idem Hyndman
97 Phil. Repynden
98 Henry Beaufort
99 Tho. Hyndman
1400 Phill. Repyndon
01 Idem Repyndon
02 Idem Repyndon
03 Robert Halam
04 Idem Halam
05 Idem Halam
06 Idem Halam
Will. Faringdon
Rich. Courtney
07 Idem Courtney
Rich. Ullerſton
08 Will. Clynt
09 Tho. Presbury
1410 Will. Sulbury
11 Rich. Courtney
John Baynard
12 Will. Sulburye
13 Idem Sulburye
Will. Barrow
14 Idem Barrow
15 Idem Barrow
16 Tho. Clare
17 Idem Barrow
18 Tho. Clare
19 Rob. Colman

1420 Walter Treugoff
Tho. Rodeburne
21 John Caſtell
22 Idem Caſtell
23 Idem Caſtell
24 Idem Caſtell
25 Idem Caſtell
26 Tho. Chace
27 Idem Chace
28 Idem Chace
29 Idem Chace
1430 Idem Chace
31 Idem Chace
Gilbert Kymer
32 Idem Kymer
33 Idem Kymer
Tho. Bouchier
34 Idem Bouchier
35 Idem Bouchier
36 Idem Bouchier
37 Idem Bouchier
John Carpenter
38 Idem Carpenter
39 John Norton
1440 Rich. Rotherham
Will. Grey
41 Idem Grey
42 Idem Grey
Tho. Gaſcoigne
Hen. Sever
43 Idem Sever
Tho. Gaſcoigne
44 idem Gaſcoigne
45 idem Gaſcoigne
Rob. Thwaytes
46 idem Thwaytes
Gilb. Kymer
47 idem Kymer

1448

1448 Idem Kymer
49 idem Kymer
1450 idem Kymer
51 idem Kymer
52 idem Kymer
53 idem Kymer
54 George Nevill
55 idem Nevill
56 idem Nevill
57 idem Nevill
Tho. Chaundler
58 idem Chaundler
59 idem Chaundler
1460 idem Chaundler
61 idem Chaundler
George Nevill
62 idem Nevill
63 idem Nevill
64 idem Nevill
65 idem Nevill
66 idem Nevill
67 idem Nevill
68 idem Nevill
69 idem Nevill
1470 idem Nevill
71 idem Nevill
72 idem Nevill
Tho. Chaundler
73 idem Chaundler
74 idem Chaundler
75 idem Chaundler
76 idem Chaundler
77 idem Chaundler
78 idem Chaundler
79 idem Chaundler
Lionel Wideville
1480 idem Wideville
81 idem Wideville
1482 idem Wideville
83 idem Wideville
William Dudley, *Biſhop of* Durham
84 John Ruſſell, *Biſhop of* Lincoln
95 *Archbiſhop* Moreton
1500 William Smith, *Biſhop of* Lincoln
02 —— Fitz-james, *Biſhop of* Rocheſter
Rich. Mahew
06 *Archbiſhop* Warham
32 John Longland, *Biſhop of* Lincoln
47 Rich. Cox
52 *Sir* Rich. Maſon
56 *Cardinal* Pole
68 Hen. Fitz-allen *Earl of* Arundel
60 *Sir* Richard Maſon
64 Rob. Dudley, *Earl of* Leiceſter
88 Chriſtopher Hatton, *Ld Chancellor of* England, &c.
91 Tho. Sackville, *Lord* Buckhurſt, &c.
1608 *Archbiſhop* Bancroft
10 Thom. Egerton, *Lord* Elleſmere, &c.
16 William Herbert, *E. of* Pembroke, &c.
30 *Archbiſhop* Laud
41 Philip *E. of* Pembroke
43 William *Marqueſs of* Hertford
48 Phil. *Earl of* Pembroke

1651 Oliver Cromwell
58 Richard Cromwell
60 *Sir* Edward Hyde, *Ld Chanc. of* Engl. &c.
67 *Archbiſhop* Sheldon
1669 James *D. of* Ormond, &c.
88 James *D. of* Ormond, &c.

HIGH-STEWARDS *of the Univerſity of* OXFORD.

JOhn Norreys *Eſq.*
1466 *Sir* Robert Harcourt *Knt.*
72 John de la Pool *Duke of* Suffolk
85 Gaſper de Hatfield, *Duke of* Bedford
87 Edmund Hampden *Eſq.*
92 *Sir* William Stonar
94 *Sir* Reginald Bray
1509 *Sir* Thomas Lovell *Knt.*
24 *Sir* Thomas More, *Lord High Chancellor of* England
32 *Lord* William Fitz-Williams, *Earl of* Southampton
42 John Ruſſell, *Earl of* Bedford, &c.
55 Henry Fitz-Allen, *Earl of* Arundel, &c.
58 John Lumley *Lord of* Lumley
1609 Henry Howard, *Earl of* Northampton
15 Philip Herbert, *Lord* Herbert *of* Shirland, &c.
41 William Fiennes, *Viſcount* Say *and* Seal
43 George Digby, *Lord* Digby *of* Sherbourne
46 Ditto William Fiennes *reſtored*
60 Ditto George Digby *reſtored*
63 John Egerton *Earl of* Bridgwater
Lawrence Hyde, *Earl of* Rocheſter
86 Henry Hyde, *Earl of* Clarendon
1711 Henry Hyde, *Earl of* Rocheſter

COM-

COMMISSARIES *or* VICE-CHANCELLORS.

1400 Will. Farendon
1404 Griff. Hirkadam
1405 Will. Farendon
1406 John Whytehede, John Orum
1407 Ditto Orum
1422 John Daventrey
1426 Rich. Roderham
1427 Ditto Roderham
1428 Ditto Roderham
1429 Ditto Roderham
1430 Ditto Roderham
1431 Ditto Roderham
1432 Ditto Roderham
1433 John Burbach
1434 Tho. Gaſcoigne, Chriſtopher Knolles, John Burbach
1435 Ditto Burbach, Tho. Boningworth
1436 Ditto Burbach, Tho. Greneley
1437 John Gorſuch, Tho. Grenely
1438 John Gorſuch, Will. Hawtrine
1439 John Gorſuch, John Burbach, Tho. Southam, Tho. Gaſcoigne
1440 John Gorſuch
1441 John Gorſuch, Rob. Thwaites, Will. Babington
1442 Will. Grey, Will. Babington, Will. Weſtkarre
1443 Will. Dowſon, Will. Weſtkarre
1444 Will Dowſon, Rich. Hall, Will. Weſtkarre
1445 Will. Dowſon, John Selot
1446 Will. Weſtkarre, John Moreton, Will. Dowſon
1447 John Burneby, Will. Dowſon
1448 Ditto Dowſon, Ditto Burneby
1449 John Willey, Ditto Burneby, Ditto Dowſon
1450 Rich. Ryngſtede, John Beke, Rog. Bulkley, John Van
1451 John Beke, John Van
1452 John Van, John Beke, T. Yweyn *al.* Chalke, Tho. Sawnders
1453 Lucas Lacock, Rob. Thwayte, Tho. Sawnders, Tho. Chalke

1454

1454 Tho. Sawnders
1455 Tho. Sawnders, Tho. Twynge
1456 Tho. Sawnders
1457 Tho. Sawnders, Tho. Chippenham
1458 Walt. Wynhale, Tho. Twynge, John Danvers
1459 John Danvers, Tho. Jane
1460 Tho. Chalke
1461 Will. Ive, Rog. Bulkley
1462 Will. Ive
1463 John Wats, Tho. Chaundler, David Husband, John Mulcaſter
1464 John Mulcaſter, Laur. Cokkys, Tho. Chaundler
1465 Rog. Bulkley, John Caldbeck, Tho. Perſon
1466 Tho. Smyth, Rob. Ixworth, John Caldbeck, Tho. Chaundler
1467 Tho. Chaundler, John Caldbeck, Tho. Stevyn, Laur. Cokkys, Tho. Hill
1468 Tho. Chaundler, Tho. Stevyn, . . . Walton
1469 Tho. Stevyn, Tho. Jane
1470 Rob. Tully, Tho. Jane, Tho. Stevyn
1471 Tho. Stevyn
1472 Ditto Stevyn
1473 Ditto Stevyn
1474 Ditto Stevyn
1475 Ditto Stevyn
1476 Ditto Stevyn
1477 Ditto Stevyn
1478 Ditto Stevyn
1479 Ditto Stevyn
1480 John Lane, Will. Sutton
1481 Richard Fitzjames, William Sutton
1482 Robert Wrangwais Sutton
1483 Ditto Sutton
1484 Ditto Sutton, Richard Mayhew, Thomas Pawnton
1485 Richard Mayhew
1486 John Taylour
1487 Richard Eſtmond
1488 John Coldale
1489 Ditto Coldale
1490 Ditto Coldale
1491 Richard Fitzjames, Ditto Coldale
1492 Ditto Coldale
1493 Robert Smyth
1494 Ditto Smyth
1495 Ditto Smyth
1496 Ditto Smyth

1497

1497 William Atwater
1498 William Atwater, Thomas Harper
1499 David Huys, William Atwater, Thomas Chaundler
1500 William Atwater
1501 William Smith, Thomas Banke, Hugh Sawnders
1502 The ſame again
1503 John Thornton, John Kynton, S. Grene, *al.* Foderby
1504 Ditto Grene, John Kynton, Rob. Tehy, *al.* Thay
1505 Ditto Tehy, Sim. Foderby, John Roper, John Adams
1506 John Thornden, William Fauntleroy
1507 Ditto Fauntleroy, John Thornden, John Avery, John Kynton
1508 William Fauntleroy, John Thornden
1509 William Fauntleroy
1510 William Fauntleroy, John Thornden, Thomas Mychel
1511 William Fauntleroy, Thomas Drax, John Roper, John Cokkys, Edmund Wylsford
1512 Ditto Wylsford, William Fauntleroy, John Kynton
1513 Ditto Kynton, William Fauntleroy, John Thornden
1515 Ditto Thornden, Laurence Stubbys
1516 Edmund Wylsford
1517 Laur. Stubbys
1517 Richard Duck
1518 Richard Duck
1519 Ralph Barnack, Richard Duck
1520 William Broke, Richard Benger
1521 Richard Benger
1522 Ditto Benger
1523 Thomas Muſgrave
1524 Ditto Muſgrave
1525 Ditto Muſgrave
1526 Ditto Muſgrave
1527 Ditto Muſgvave
1528 John Cottisford
1529 Ditto Cottisford
1530 Ditto Cottisford
1531 Ditto Cottisford
1532 Ditto Cottisford *died*, William Treſham
1533 William Treſham
1534 Ditto Treſham
1535 Ditto Treſham
1536 Ditto Treſham
1537 Ditto Treſham
1538 Ditto Treſham
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1542 Ditto Treſham
1543 Ditto Treſham
1544 Ditto Treſham
1545 Ditto Treſham
1546 Ditto Treſham
1547 Walt. Wryght, *LL.D.*
1548 Ditto Wryght
1549 Ditto Wryght
1550 Ditto Wryght
William Treſham
1551 Ow. Oglethorp, *S.T.P.*
Rich. Martial, *S. T. P.*
Ditto Martial
1554 John Warner, *M. D.*
1555 Rich. Smyth, *S. T. P.*
1556 Will. Treſham
1556 Tho. Raynolds, *S.T.P.*
1557 Ditto Raynolds
1558 William Treſham
1559 Ditto Treſham
1560 Fran. Babington, *S.T.P.*
1561 Ditto Babington
1562 Ditto Babington
Tho. Whyte, *LL.D.*
1563 Ditto Whyte
L. Humphreys, *S.T.P.*
1564 John Kennall, *LL.D.*
1565 Ditto Kennall
1566 Ditto Kennall
1567 Tho. Cooper, *M. B.*
1568 Ditto Cooper
1569 Ditto Cooper
1570 Ditto Cooper
1571 Laur. Humphreys
1572 Ditto Humphreys
1573 Ditto Humphreys
1574 Ditto Humphreys
1575 Ditto Humphreys
1576 Ditto Humphreys
1577 Will. Cole, *S.T.B.*
1578 Mar. Culpepper, *M.D.*
1579 Tob. Mathews, *S.T.P.*
1580 Arth. Yeldard, *S.T.P.*
1581 Will. James, *S.T.P.*
1582 Rob. Hoveden, *S.T.P.*
1583 Tho. Thornton, *S.T.P.*
1584 John Underhill, *S.T.P.*
1585 Edm. Lilley, *S. T. P.*
1586 Dan. Bernard, *S.T.P.*
1587 Fran. Willis, *S. T. P.*
1588 Martin Heton, *S.T.P.*
1589 Nic. Bonde, *S.T.P.*
1590 Will. James, *S. T. P.*
1591 Ditto James
1592 Ditto Nic. Bonde
1593 Edm. Lilley
1594 Ditto Lilley
1595 Ditto Lilley
1596 Tho. Ravys, *S.T.P.*
1597 Ditto Ravys
1598 Tho. Singleton, *S.T.P.*
1599 Tho. Thornton
1600 George Abbot, *S.T.P.*
1601 George Ryves, *S.T.P.*
1602 John Howſon, *S.T.P.*
1603 George Abbot
1604 John Williams
1605 Ditto Abbot
1606 Hen. Ayray, *S.T.P.*
1607 John Kyng, *S.T.P.*
1608 Ditto Kyng
1609 Ditto Kyng
1610 Ditto Kyng
1611 Ditto Singleton
1612 Ditto Singleton
1613 Ditto Singleton

1614 Will. Goodwyn, *S.T.P.*
1615 Ditto Goodwyn
1616 Arthur Lake, *S.T.P.*
1617 Ditto Goodwyn
1618 Ditto Goodwyn
1619 John Prideaux, *S.T.P.*
1620 Ditto Prideaux
1621 Will. Piers, *S. T. P.*
1622 Ditto Piers
1623 Ditto Piers
1624 John Prideaux
1625 Ditto Prideaux
1626 Will. Juxon, *LL.D.*
1627 Ditto Juxon
1628 Accept. Frewen, *S.T.P.*
1629 Ditto Frewen
1630 Will. Smyth, *S.T.P.*
1631 Ditto Smith
1632 Brian Duppa, *S.T.P.*
1633 Ditto Duppa
1634 Rob. Pinke, *S.T.P.*
1635 Ditto Pinke
1636 Rich. Baylie, *S.T.P.*
1637 Ditto Baylie
1638 Acceptus Frewen
1639 Ditto Frewen
1640 Chriſto. Potter, *S.T.P.*
1641 John Prideaux
1642
1643 Tolſon, *S.T.P.*
1644 Rob. Pinke
1645 Sam. Fell, *S.T.P.*
1646 Ditto Sam. Fell
1647 Ditto Sam. Fell
1648 Edw. Reynolds, *A.M.*
1649 Ditto Reynolds, *S.T.P.*
1650 Da. Greenwood, *S.T.P.*
1651 Ditto Greenwood
1652 John Owen, *A. M.*
1653 Ditto Owen, *S.T.P.*
1654 Ditto Owen
1655 Ditto Owen
1656 Ditto Owen
1657 John Conant, *S.T.P.*
1658 Ditto Conant
1659 Ditto Conant
1660 Paul Hood, *S.T.P.*
1661 Rich. Baylie
1662 Walt. Blandford, *S.T.P.*
1663 Ditto Blandford
1664 Rob. Say, *S. T. P.*
1665 Ditto Say
1666 John Fell, *S. T. P.*
1667 Ditto Fell
1668 Ditto Fell
1669 Peter Mews, *LL.D.*
1670 Ditto Mews
1671 Ditto Mews
1672 Ditto Mews
1673 Ralph Bathurſt, *M.D.*
1674 Ditto Bathurſt
1675 Ditto Bathurſt
1676 Henry Clerk
1677 John Nicolas, *S.T.P.*
1678 John Nicolas
1679 Tim. Halton, *S.T.P.*
1680 Ditto Halton
1681 Ditto Halton
1682 John Lloyd
1683 Ditto Lloyd
1684 Ditto Lloyd
1685 Tim. Halton
1686 John Ven, *S. T. P.*
1687 Gilb. Ironſide
1688 Ditto Ironſide
1689 Jon. Edwards, *S.T.P.*

1691

1690 Ditto Edwards
1691
1692 Hen. Aldrich, *S.T.P.*
1693 Ditto Aldrich
1694 Ditto Aldrich
1695 Fitz. Adams, *S.T.P.*
1696 Ditto Adams
1697 John Mear, *S.T.P.*
1698 Will. Paynter, *S.T.P.*
1699 Ditto Paynter
1700 Rog. Maunder, *S.T.P.*
1701 Ditto Maunder
1702 Will. Delaune, *S.T.P.*
1703 Ditto Delaune
1704 Ditto Delaune
1705 Ditto Delaune
1706 Will. Lancaſter, *S.T.P.*
1707 Ditto Lancaſter
1708 Ditto Lancaſter
1709 Ditto Lancaſter
1710 Th. Braithwait, *LL.D.*
1711 Ditto Braithwait
1712 Bern. Gardiner
1713 Ditto Gardiner

PROC-

PROCTORS.

1267 ROger de Plumpton
Henry de Godfrey
Robert de Burgo
1281 William de Coleſhull
Henry de la Wyle, *Coll. Mert.*
1286 Robert Marmyon
John de la More, *Coll. Mert.*
1288 Edward Farney
Thomas de Abendon } *Coll. Mert.*
1311 Robert de Bridlington }
Thomas de Hambleton, *Coll. Bal.*
1313 John de la Grave, *Coll. Mert.*
Richard Abell
1315 William Barnaby, *Coll. Mert.*
William Skelton
1322 Simon Ifley, *Coll. Mert.*
Ditto Skelton
1323 John de Fenton, *Coll. Bal.*
William de Harrington, *Coll. Mert.*
1325 Thomas de Bradwardyn
Anthony Goldesburg
1327 Elias Walwayne
Thomas de Redyng, *Coll. Mert.*
1331 William de Witheton
Edward de Wyke
1333 John de Gotham
Adam de Potthow
1340 Richard de Shrovesbury
Michael de Hamplesford
1343 . . . . . .
S. John Loke
1346 *N.* William Ingeſtre

S. Thomas de Stratford
1348 *N.* Robert de Ingram
1349 Ditto
Roger de Aſwardby, *Coll. Univer.*
1350 Robert Frommund, *Coll. Ex.*
John de Middleton, *Coll. Oriel.*
1355 Nic. de Radings, *Coll. Mert.*
1356 Ditto
John Joſekyn, *Coll. Mert.*
1357 Alexander Ferribrygge, *Coll. Oriel*
William Deneby, *Coll. Or.*
1358 Richard de Tonworth, *Coll. Mert.*
1360 Richard de Tonworth, *Coll. Mert.*
Robert Derby
1361 Simon Lambourne, *Coll. Mert.*
James Stanton, *Coll. Or.*
1363 Richard Sutton, *Coll. Mert.*
Walter Wandesford, *Coll. Or.*
1364 Walter Wandesford, *Coll. Or.*
Walter Remmesbury, *Coll. Mert.*
1366 William Fereby, *Coll. Bal.*
Thomas Hulum
1367 Adam Plumpton, *Coll. Bal.*
Robert de Ayleſham, *Coll. Mert.*
1368 Robert de Ayleſham, *Coll. Mert.*
William Fereby, *Coll. Bal.*
1372 Robert Underhill
Peter Eland
1376 William Wakefield
. . . . . .
1377 Thomas Lyndelow, *Coll. Bal.*
John Wendover, *Coll. Mert.*
1379 John Buritone
Richard Peſter
1382 John Huntman
Walter Diſſy, *Coll. Or.*
1393 Stephen Brakkeley
Richard Whelpynton, *Coll. Mert.*

1395

1395 John Roke, *Coll. Or.*
Robert Thurbury, *Coll. Nov.*
1396 John Loke, *Coll. Mert.*
Thomas Nafferton, *Coll. Un.*
1399 Robert Thurbury, *Coll. Nov.*
John Roke, *Coll. Or.*
1400 John Forſter
John Brampton
1401 John Forſter
Thomas Rodeburne, *Coll. Mert.*
1402 Ditto
1403 Roger Wheldale, *Coll. Reg.*
Thomas Lucas, *Coll. Mert.*
1404 Edmund Orſoware
William Colthurſt
1405 Thomas Martyn, *Coll. Mert.*
John Caſtell, *Coll. Univ.*
1406 Walter Logardyn, *Coll. Mert.*
Adam Skelton, *Coll. Reg.*
1407 William Duffield, *Coll. Mert.*
Richard Flemming, *Coll. Un.*
1408 Richard Colling
Roger Gates, *Coll. Mert.*
1409 Robert Aclom
Richard Baron, *Coll. Mert.*
1410 Richard Colling
Roger Orſoworth
1411 John Byrch, *Coll. Un.*
Bennet Brent, *Coll. Ex.*
1412 Gilbert Kymer, *Coll. Un.*
William Symond, *Coll. Un.*
1413 William Symond
Gilbert Kymer
1414 Robert Camel
John Colum
1415 Henry Woochurch
Robert Dinkley, *Coll. Un.*

1416 Robert Dinkeley
William Andrews, *Coll. Ex.*

1417 John Allwarde, *Coll. Ex.*
Robert Tonge, *Coll. Un.*

1418 William Moulton, *Coll. Un.*
John Worthille, *Coll. Ball.*

1419 Richard Heth
RichardBurnham

1420 Robert Morton, *Coll. Or.*
Thomas Juſter, *Coll. Mert.*

1421 Robert Beaumont
John Hill

1422 Thomas Cotes
Kylling Merſh, *Coll. Un.*

1423 John Bedminſter, *Coll. Or.*
Robert Thwaites, *Coll. Bal.*

1424 John Bedminſter, *Coll. Or.*
Thomas Grenly, *Coll. Or.*

1425 John Schireburne, *Coll. Or.*
William Colling

1426 Thomas Lyſures
John Arundell, *Coll. Ex.*

1427 Henry Sewer, *Coll. Mert.*
Richard Babthorpe

1428 John Wygrym, *Coll. Mert.*
Richard Babthorpe

1429 Richard Babthorpe
John Kyng

1430 Thomas Grant, *Coll. Or.*
Thomas Eglesfield, *Coll. Reg.*

1431 William Tybart
William Brandon, *Coll. Bal.*

1432 William Brandon
John Halſe, *Coll. Ex.*

1433 William Dowſon, *Coll. Un.*
Roger Bulkley, *Hare-Hall*

1434 Richard Tenant
Michael Tregory

1435

John Spekington, *Salisbury Hall*
1435 Robert Multon, *Black Hall*
William Crowton, *Coll. Oriel*
1436 John Kirkby, *Frideſwyde Hall*
John Kirkby
1437 Thomas Kempe
William Selby, *Coll. Nov.*
1438 Robert Flemming, *Coll. Uniu.*
William Orell
1439 John Willey
John Segden, *Staple Hall*
1440 Richard Newbrygge, *Coll. Mert.*
William Saye, *Coll. Nov.*
1441 John Killingworth, *Coll. Mert.*
S. Roger Grey, *Coll. Un.*
1442 *N.* Thomas Walkington, *Coll. Nov.*
William Fraunces, *Coll. Mert.*
1443 John Triſtroppe, *Coll. Linc.*
Thomas Chaundler, *Coll. Nov.*
1444 John Triſtroppe, *Coll. Linc.*
N. William Moreton, *Coll. Bal.*
1445 *S.* Thomas Copleſton, *Coll. Ex.*
William Snareſton, *Coll. Nov.*
1446 William Lambton, *Coll. Bal.*
John Gygur, *Coll. Mert.*
1447 Walter Bale, *Coll. Linc.*
S. John Baker, *Coll. Nov.*
1448 *N.* Henry Meoles
S. John Wade, *Coll. Mert.*
1449 *N.* William Daniel, *Coll. Un.*
S. Richard Lake, *Coll. Ball.*
1450 *N.* Woolſtan Brown, *Coll. Un.*
William Ketill, *Coll. Linc.*
1451 Thomas Balſall, *Coll. Mert.*
N. John Ekys, *Coll. Magd.*
1452 *S.* Thomas Reynolds, *Coll. Ex.*
John Yonge, *Coll. Mert.*
1453 John Seymoure, *Coll. All-S.*

Thomas Becket
1454 Robert Norman
John Marſhall, *Coll. Mert.*
1455 Walter Windſore, *Coll. Ex.*
John Brether, *Coll. All-S.*
1456 Robert Abdy, *Coll. Bal.*
Thomas Wodehill
1457 Thomas Bemſley
Martin Joyner, *Coll. Nov.*
1458 John Molineux, *Braz. Hall*
Stephen Bereworth, *Coll. All-S.*
1459 Thomas Lee, *Edmund Hall*
Robert Elyot, *Coll. All-S.*
1460 Thomas Purveyor
S. John Morne, *Coll. Nov.*
1461 *N.* John Thorpe, *Coll. Linc.*
Thomas Proctor, *Coll. All-S.*
1462 Richard Dobbys
S. Walter Hill, *Coll. Nov.*
1463 *N.* William Corte, *Coll. Bal.*
Thomas Pawnton, *Coll. Linc.*
1464 John Payntour, *Coll. Mert.*
Thomas Ganne, *Coll. Linc.*
1465 William Whytwey, *Col. Nov.*
S. Thomas Proctor
1466 *N.* William Appylby, *Coll. Bal.*
Richard Bernard, *Coll. Ex.*
1467 William Sutton, *Coll. Un.*
S. John Harrow, *Coll. Ex.*
1468 *N.* Nic. Langton, *Coll. Linc.*
Richard Mayhew, *Coll. Nov.*
1469 George Strangwich, *Coll. Linc.*
S. William Brew, *Coll. Ex.*
1470 *N.* Thomas Beſton
Nic. Good, *Coll. Magd.*
1471 Richard Davis
William Major, *Coll. Ex.*
1472 John Acherley, *Coll. All-S.*

1473

S. Richard Fitzjames, *Coll. Mert.*
1473 *N.* John Netylton
Richard Bradelegh, *Coll. Ex.*
1474 Richard Eſtmonde
William Bethum, *Coll. Linc.*
1475 Maur. Berthram, *Coll. Mert.*
John Bettys, *Coll. All-S.*
1476 William Southworth, *Coll. Bal.*
Roger Hanley
1477 Thomas Parmenter, *Coll. Mert.*
S. Jeoff. Simeon, *Coll. Nov.*
1478 *N.* David Ireland, *Coll. Magd.*
Robert Gosborne, *Coll. Mert.*
1479 John Forſter, *Coll. Univ.*
Nic. Halſwell, *Coll. All-S.*
1480 John Martin, *Coll. Magd.*
S. William Porter
1481 *N.* Ralph Hamſterley, *Coll. Mert.*
S. Thomas Karvour, *Coll. Magd.*
1482 *N.* Ralph Stanhope, *Coll. Ex.*
James Babbe, *Coll. Ex.*
1483 Robert Lathys, *Coll. Reg.*
Richard Trappe, *Coll. Nov.*
1484 William Croft, *Coll. Magd.*
Smyth
1485 Inglyſſet
S. Edmund Frowceter, *Coll. Magd.*
1486 *N.* Robert Arden, *Coll. Mert.*
John Hobille, *Coll. Nov.*
1487 William Bokkyng
John Huſey *or* Hoſey, *Coll. Magd.*
1488 Peter Caſely, *Coll. Ex.*
William Hewſter, *Coll. Magd.*
1489 Robert Boorton, *Coll. Mert.*
John North, *Coll. Magd.*
1490 Robert Wykys, *Coll. Nov.*
S. John Wythers, *Coll. Magd.*
1491 *N.* Thomas Hobbys, *Coll. All-S.*

1492 John Davys, *Coll. Mert.*
William Lambton

1493 John Jolliff, *Coll. Ex.*
Richard Barningham, *Coll. Bal.*

1494 Anthony Fiſher, *Coll. Magd.*
Robert Dale, *Coll. Mert.*

1495 William Haſard, *Coll. Magd.*
William Marbyll

1496 *S.* Rowland Philips, *Coll. Or.*
N. Thomas Cracynthorpe, *Coll. Reg.*

1497 Thomas Drax, *Coll. Linc.*
Richard Sydnore, *Coll. Madg.*

1498 *S.* Hugh Bruſey, *White-Hall*
N. John Lethome, *Coll. Un.*

1499 Hugh Bruſey
Richard Halſe

1500 Edward Darbey, *Coll. Linc.*
Thomas Claydon, *Coll. Nov.*

1501 *S.* John Game, *Coll. All-S.*
N. William Dale

1502 *N.* Hugh Hawarden, *Braz. Hall*
S. John Matſon, *Coll. Mert.*

1503 *N.* John Stokeſley, *Coll. Magd.*
S. Richard Dudley, *Coll. Or.*

1504 *N.* Laurence Stubbs, *Coll. Magd.*
S. John Beverſton, *Coll. Mert.*

1505 *N.* William Patenſon, *Coll. Reg.*
S. John Goulde, *Coll. Magd.*

1506 *N.* Edward Colyar, *Coll. Un.*
S. Richard Stokes, *Coll. Magd.*

1507 John Lane, *Coll. Nov.*
William Thompſon, *Coll. Univ.*

1508 *S.* Robert Carter, *Coll. Magd.*
N. Row. Meſſynger

1509 Thomas Eritage, *Coll. Or.*
Richard Ducke, *Coll. Ex.*

1510 John Burgeſs, *Coll. Magd.*
John Hewys, *Coll. Mert.*

1511

S. John Brooke, *Coll. Or.*
1511 *N.* Thomas Sotherne
S. Thomas Pulton, *Coll. Nov.*
1512 *N.* Richard Symonds, *Coll. Mert.*
S. Thomas Mede, *Coll. Ex.*
1513 *N.* Thomas Hobſon, *Coll. Univ.*
Leo. Huchinſon, *Coll. Ball.*
1514 Thomas Ware, *Coll. Or.*
John Cottysford, *Coll. Linc.*
1515 William Foſſey, *Coll. All-S.*
Richard Walker, *Coll. Mert.*
1516 Edmund Grey, *Coll. Nov.*
Thomas Iriſh, *Coll. Ex.*
1517 Thomas Muſgrave, *Coll. Mert.*
John Stevins, *Coll. Or.*
1518 Roger Dingley, *Coll. All-S.*
S. Thomas Flowre, *Coll. Linc.*
1519 *N.* Thomas Alyn, *Coll. Braz.*
N. John Booth, *Coll. Braz.*
1520 *S.* George Croftys, *Coll. Or.*
N. Henry Tyndale, *Coll. Mert.*
1521 *S.* John Wylde
Thomas Canner, *Coll. Magd.*
1522 Richard Criſpyne, *Coll. Or.*
Thomas Canner
1523 Edmund Campion
Edward Leighton, *Coll. Card.*
1524 Philip Bale, *Coll. Ex.*
Anthony Sutton, *Coll. Magd.*
1525 John Tuckar, *Coll. Card.*
Simon Ball, *Coll. Mert.*
1526 Thomas Byrton, *Coll. Card.*
Arthur Cole, *Coll. Magd.*
1527 Richard Lorgan, *Coll. Or.*
John Bellitory, *Coll. Mert.*
1528 Walter Bocklar, *Coll. Card.*
John Warner, *Coll. All-S.*
1529 Thomas Duke, *Coll. Nov.*

1530

1530 The ſame.
John Pollard
1531 George Cottys, *Coll. Magd.*
Thomas Selwode, *Coll. Nov.*
1532 William Pedyll, *Coll. Mert.*
John Pekyns, *Coll. Exon.*
1533 Owen Oglethorp, *Coll. Magd.*
Dunſtan Lacy, *Coll. Linc.*
1534 John Howell, *Coll. All-S.*
Edmund Shether, *Coll. All-S.*
1535 John Pollet
William Wetherton, *Coll. All-S.*
1536 William Pye, *Coll. Or.*
Hugh Weſton, *Coll. Linc.*
1537 Thomas Knyght, *Coll. Nov.*
Richard Arderne, *Coll. Magd.*
1538 Thomas Roberts, *Coll. Or.*
N. William Smyth, *Coll. Braz.*
1539 *S.* John Stoyt, *Coll. Mert.*
N. Lewis Reynolds, *Coll. Magd.*
1540 *S.* John Man, *Coll. Nov.*
Roger Brommold, *Coll. Nov.*
1541 John Wyman, *Coll. Magd.*
John Eſtwyke, *Coll. Mert.*
1542 William Pye, *Coll. Or.*
1543 The ſame again.
Nicholas Alambrygge, *Coll. All-S.*
1544 William Smyth, *Coll. Braz.*
John Stoyt
1545 Simon Parret, *Coll. Magd.*
John Smyth, *Coll. Or.*
1546 Simon Parret
Edmund Criſpyn, *Coll. Or.*
1547 Henry Baylie, *Coll. Nov.*
John Redman, *Coll. Magd.*
1548 Thomas Simonds, *Coll. Mert.*
Leo. Lyngham, *Coll. Ex.*
1549 Richard Hughes, *Coll. Magd.*

1550

Roger Elyott, *Coll. All-S.*
1550 Thomas Frynde, *Coll. Nov.*
William Martial, *Coll. Mert.*
1551 Peter Rogers, *Ch. Ch. Coll.*
Thomas Spencer, *Ch. Ch. Coll.*
1552 Maur. Bullock, *Coll. Nov.*
1553 The ſame again
Thomas Coveney, *Coll. Magd.*
1554 Chriſtopher Hargreve, *Coll. Linc.*
William Northfolke, *Coll. Or.*
1555 James Gervys, *Coll. Mert.*
Henry Wotton, *Ch. Ch. Coll.*
1556 Thomas Davys, *Coll. Nov.*
Francis Babyngton, *Coll. All-S.*
1557 William Allyn, *St. Mary Hall*
Alan Cope
1558 Walter Baylie
John Daye, *Coll. Magd.*
1559 Edward Bramborow, *Coll. Nov.*
Thomas Leech, *Ch. Ch. Coll.*
1560 Thomas Scot, *Coll. Trin.*
Oliver Wythyngton, *Coll. Braz.*
1561 Humphrey Hall, *Coll. All-S.*
Roger Marbeck, *Ch. Ch. Coll.*
1562 Roger Gyfford, *Coll. Mert.*
Thomas Walley, *Ch. Ch. Coll.*
1563 Roger Gyfford, *Coll. Mert.*
Roger Marbeck, *Ch. Ch. Coll.*
1564 John Watkyns, *Coll. All-S.*
Thomas Garbrand, *Coll. Magd.*
1565 John Merick, *Coll. Nov.*
William Leech, *Coll. Braz.*
1566 William Stocker, *Coll. All-S.*
Adam Squyre, *Coll. Bal.*
1567 Henry Buſt, *Coll. Magd.*
James Charnock, *Coll. Braz.*
1568 Edmund Campion, *Coll. St. John*

1569

John Bereblock, *Coll. Ex.*
1569 John Bodley, *Coll. Mert.*
Arthur Atye, *Coll. Mert.*
1570 Thomas Glaſyer, *Ch. Ch. Coll.*
Anthony Blencow, *Coll. Or.*
1571 Edmund Fleetwood, *Coll. Mert.*
1572 The ſame again.
John Tatham, *Coll. Mert.*
1573 Edmund Lillie, *Coll. Magd.*
John Buſt, *Ch. Ch. Coll.*
1574 Richard Barry, *Coll. Or.*
John Underhill, *Coll. Nov.*
1575 Henry Saville, *Coll. Mert.*
1576 The ſame again.
John Glover, *Ch. Ch. Coll.*
1577 Thomas Dotchen, *Coll. Magd.*
Ralph Smyth, *Coll. Magd.*
1578 Clement Colmer, *Coll. Braz.*
William Zouch, *Ch. Ch. Coll.*
1579 Iſaac Upton, *Coll. Magd.*
Robert Crayne, *Coll. Bal.*
1580 Thomas Stone, *Ch. Ch. Coll.*
Robert Crayne
1581 Richard Madock, *Coll. All-S.*
Robert Cooke, *Coll. Braz.*
1582 John Browne, *Ch. Ch. Coll.*
Thomas Leyſon, *Coll. Nov.*
1583 Richard Eedes, *Ch. Ch. Coll.*
Thomas Smyth, *Ch. Ch. Coll.*
1584 Richard Mercer, *Coll. Ex.*
Thomas Singleton, *Coll. Braz.*
1585 John Bennet, *Ch. Ch. Coll.*
William Watkinſon, *Ch. Ch. Coll.*
1586 Giles Thomſon, *Coll. All-S.*
George Dale, *Coll. Or.*
1587 John Harmar, *Coll. Nov.*
Thomas Ravys, *Ch. Ch. Coll.*
1588 Mat. Gwynne, *Coll. St. John*

1589

John Harding, *Coll. Magd.*
1589 John King, *Ch. Ch. Coll.*
Gaſper Colmer, *Coll. Mert.*
1590 John Eveligh, *Coll. Ex.*
Rich. Braunche, *Ch. Ch. Coll.*
1591 John Lloyde, *Coll. Nov.*
Thomas Saville, *Coll. Mert.*
1592 Ralph Winwood, *Coll. Magd.*
William Awbrie, *Ch. Ch. Coll.*
1593 Rich. Lateware, *Coll. St. John's*
Hen. Foſter, *Coll. Braz.*
1594 Henry Cuffe, *Coll. Mert.*
Robert Tynley, *Coll. Magd.*
1595 William Pritchard, *Ch. Ch. Coll.*
Abel Gower, *Coll. Or.*
1596 Rowl. Searchfield, *Coll. S. John*
John Parkhurſt, *Coll. Magd.*
1597 Richard Trafford, *Coll. Mert.*
Edward Gee, *Coll. Braz.*
1598 Henry Belyngham, *Coll. Nov.*
William Osbourne, *Coll. All-S.*
1599 Francis Sydney, *Ch. Ch. Coll.*
Nicolas Langford, *Ch. Ch. Coll.*
1600 Laur. Humphrey, *Coll. Magd.*
George Benſon, *Coll. Reg.*
1601 Gerard Maſſey, *Coll. Braz.*
Daniel Pury, *Coll. Magd.*
1602 Walter Bennet, *Coll. Nov.*
Chriſtopher Dale, *Coll. Mert.*
1603 William Laud, *Coll. St. John's*
William Ballow, *Ch. Ch. Coll.*
1604 George Darrell, *Coll. All-Souls*
Richard Fitzherbert, *Coll. Nov.*
1605 John Hanmer, *Coll. All-Souls*
Simon Baskerville, *Coll. Ex.*
1606 James Mabbe, *Coll. Magd.*
Nath. Brent, *Coll. Mert.*
1607 John Tolſon, *Coll. Or.*

1608

1608 Edward Underhill, *Coll. Magd.*
John Hamden, *Coll. Ch. Ch.*
1609 Charles Greenwood, *Coll. Un.*
John Flemming, *Coll. Exon.*
1610 Robert Pynke, *Coll. Nov.*
Sam. Radcliffe, *Coll. Braz.*
1611 Norwych Spakeman, *Ch. Ch. Coll.*
John Dunſter, *Coll. Magd.*
1612 Thomas Seller, *Coll. Trin.*
Richard Corbet, *Ch. Ch. Coll.*
1613 Anthony Richardſon, *Coll. Reg.*
Vincent Goddard, *Coll. Magd.*
1614 Jenkins Vaughan, *Coll. All-Souls*
Samuel Fell, *Ch. Ch. Coll.*
1615 Hugh Dyke, *Coll. Braz.*
Richard Baylie, *Coll. St. John's*
1616 Robert Sanderſon, *Coll. Lincoln.*
Charles Crook, *Ch. Ch. Coll.*
1617 Francis Grevill, *Coll. Mert.*
John Harris, *Coll. Nov.*
1618 Daniel Ingoll, *Coll. Reg.*
John Drope, *Coll. Magd.*
1619 Chriſtopher Wren, *Coll. St. John's*
Brian Duppa, *Coll. All-Souls*
1620 Matthew Osbourne, *Coll. Wadham*
Samuel Smyth, *Coll. Magd.*
1621 Matthias Style, *Coll. Ex.*
Nicholas Baylie, *Ch. Ch. Coll.*
1622 Griffin Higgs, *Coll. Mert.*
Richard Steward, *Coll. All-Souls*
1623 John Smyth, *Coll. Magd.*
William Oldis, *Coll. Nov.*
1624 Daniel Eſcote, *Wadh. Coll.*
Richard Hill, *Coll. Braz.*
1625 Nicholas Brooks, *Coll. Or.*
Samuel Marſh, *Coll. Trin.*
1626 Hopton Sidenham, *Coll. Magd.*
Dennis Prideaux, *Coll. Ex.*

1627

Hugh Halſwell, *Coll. All-Souls*
1627 Francis Hyde, *Ch. Ch. Coll.*
Robert Williamſon, *Coll. Magd.*
1628 Robert Lloyd, *Coll. Jeſus*
John Atkinſon, *Coll. St. John's*
1629 William Strode, *Ch. Ch. Coll.*
Ralph Auſten, *Coll. Magd.*
1630 Hen. Stringer, *Coll. Nov.*
Atherton Bruche, *Coll. Braz.*
1631 John Doughty, *Coll. Mert.*
Richard Chaworth, *Ch. Ch. Coll.*
1632 John Meredith, *Coll All-Souls*
Thomas Whyte, *C C. Coll.*
1633 Freeman Page, *Coll. Ex.*
Herbert Pelham, *Coll. Magd.*
1634 John Warren, *Coll. Wadh.*
John Edwards, *Coll. St. John's*
1635 Guy Carleton, *Coll. Reg.*
Thomas Browne, *Ch. Ch. Coll.*
1636 John Good, *Coll. Nov.*
Dan Lawford, *Coll. Or.*
1637 John Gliſſon, *Coll. Trin.*
Edw. Corbet, *Coll. Mert.*
1638 John Nicholſon, *Coll. Magd.*
Edward Fulham, *Ch. Ch. Coll.*
1639 Rob. Heywood, *Coll. Braz.*
Peter Allibond, *Coll. Linc.*
1640 Nicholas Greaves, *Coll. All-Souls*
Baldwyn Acland, *Coll. Ex.*
1641 Abraham Woodhead, *Coll. Un.*
Edward Young, *Coll. Nov.*
1642 Triſtram Sugg, *Coll. Wadh.*
George Wake, *Coll. Magd.*
1643 Will. Cartwright, *Ch. Ch. Coll.*
William Creed, *Coll. St. John's*
1644 Fran. Broad, *Coll. Mert.*
Charles Whear, *Glouc Hall*
1645 John Michell, *Coll. Bal.*

1646 Richard Wyat, *Coll. Or.*
Byrom Eaton, *Coll Braz.*
1647 Rob. Waring, *Ch. Ch Coll.*
Henry Hunt, *Coll. Magd.*
1648 Joſhua Croſſe, *Coll. Linc.*
Ralph Button, *Coll. Mert.*
1649 John Mauditt, *Coll. Exon.*
Jerom Zanchy, *Coll. All-Souls*
1650 Gratian Owen, *Coll Lincoln.*
Phillip Stephens, *Coll. Nov.*
1651 Matthew Unit, *Coll. Trin.*
Samuel Lee, *Coll Wadh.*
1652 Francis Howel, *Coll. Ex.*
Peter Jarſey, *Coll. Pembr.*
1653 Phillip Ward, *Ch. Ch. Coll.*
George Gorges, *Coll St. John's*
1654 Thomas Cracroft, *Coll. Magd.*
Stephen Charnock, *Coll. Nov.*
1655 Samuel Bruen, *Coll. Braz.*
Edward a Wood, *Coll. Mert.*
1656 Edward Littleton, *Coll. All-Souls*
William Carpender, *Ch. Ch. Coll.*
1657 Samuel Byfield, *C. C. Coll.*
Sam. Conant, *Coll. Ex.*
1658 George Porter, *Coll Magd.*
Walt. Pope, *Coll. Wadh.*
1659 George Phillips, *Coll. Reg.*
Thomas Wyat, *Coll. St. John's*
1660 Thomas Tanner, *Coll. Nov.*
John Dod, *Ch. Ch. Coll.*
1661 Nic. Meeſe, *Coll. Trin.*
Henry Hawley, *Coll. Or.*
1662 Tho. Frankland, *Coll. Braz.*
Henry Bold, *Ch. Ch. Coll.*
1663 Nath. Crew, *Coll. Linc.*
Thomas Tomkyns, *Coll. All-Souls*
1664 John Hearne, *Coll. Exon.*
WilliamShippen, *Coll. Un.*

1665

Phineas Bury, *Coll. Wadh.*
1665 David Thomas, *Coll. Nov.*
Nath. Hodges, *Ch. Ch. Coll.*
1666 Walter Baylie, *Coll. Magd.*
George Roberts, *Coll. Mert.*
1667 Edward Bernard, *Coll. St. John's.*
Richard Whyte, *St. Mary Hall*
1668 William Durham, *Coll. Trin.*
Nath. Alſop, *Coll. Braz.*
1669 James Davenant, *Coll. Or.*
Alex. Pudſey, *Coll. Magd.*
1670 Henry Smyth, *Ch. Ch. Coll.*
John Herſent, *Coll. Nov.*
1671 Alan Carr, *Coll. All-Souls*
George Verman, *Coll. Exon.*
1672 Thomas Croſthwaite, *Coll. Reg.*
Abraham Campion, *Coll. Trin.*
1673 Nath. Salter, *Coll. Wadh.*
William Frampton, *Coll. Pemb.*
1674 Thomas Huxley, *Coll. Jeſus*
John Jones, *Ch. Ch. Coll.*
1675 Edward Wayte, *Coll. St. John*
1676 Bapt. Levintz, *Coll. Magd.*
Nath Pelham, *Coll. Nov.*
1677 Nath. Wight, *Coll. Mert.*
Richard Warburton, *Coll. Braz.*
1678 James Hulet, *Ch. Ch. Coll.*
John Clerk, *Coll. All-Souls*
1679 Samuel Norris, *C. C. Coll.*
Hugh Barrow, *Coll. Ex.*
1680 Charles Hawles, *Coll. Magd.*
Rob. Balche, *Coll. Wadh.*
1681 John Halton, *Coll. Reg.*
Rich. Oliver, *Coll. St. John*
1682 Roger Altham, *Ch. Ch. Coll.*
William Dingley, *Coll. Nov.*
1683 Henry Gandy, *Coll. Or.*
Arthur Charlet, *Coll. Trin.*

1684 John Maſſey, *Coll. Mert.*
Phil. Clerk, *Coll. Magd.*

1685 William Breach, *Ch. Ch. Coll.*
Thomas Smith, *Coll. Braz.*

1686 Edward Hopkins, *Coll. Linc.*
John Walrond, *Coll. All-S.*

1687 Thomas Bennet, *Coll. Univer.*
John Harris, *Coll. Ex.*

1688 Thomas Dunſter, *Coll. Wadh.*
William Chriſtmas, *Coll. Nov.*

1689 William Cradocke, *Coll. Magd.*
Thomas Newey, *Ch. Ch. Coll.*

1690 Francis Browne, *Coll. Mert.*
Francis Bernard, *Coll. St. John*
Chriſtopher Waſe, *C. C. Coll.*

1691 † James Gawyllym } *Coll. Bal.*
Adam Lugg, }

1692 Benjamin Browne, *Coll. Braz.*
William Walker, *Coll. Or.*

1693 Roger Altham, *Ch. Ch. Coll.*
Richard Veſy, *Coll. Magd.*

1694 Gabriel Barnaby, *Coll. Nov.*
Stephen Napleton, *Coll. All-S.*

1695 John Bagwell, *Coll. Ex.*
John Waugh, *Coll. Reg.*

1696 Henry Edmonds, *Coll. Trin.*
William Baker, *Coll. Wadh.*

1697 Charles Sloper, *Coll. Pemb.*
Griffith Davis, *Coll. Jeſus*

1698 Edward Lilly, *Coll. St. John*
Robert Friend, *Ch. Ch. Coll.*

1699 Richard Watkins, *Coll. Magd.*
Thomas Mompeſſon, *Coll. Nov.*

1700 John Holland, *Coll. Mert.*
William Thompſon, *Coll. Braz.*

1701 Richard Coleire, *Coll. All-S.*
John Pelling, *Ch. Ch. Coll.*

John Cook, *Coll. Ex.*
1702 Edm. Perks, *C. C. Coll.*
Samuel Adams, *Coll. Magd.*
1703 John Eyans, *Coll. Wadh.*
Joſeph Smith, *Coll. Reg.*
1704 Thomas Smith, *Coll. S. John*
Brune Bickley, *Coll. Nov.*
1705 Peter Foulkes, *Ch. Ch. Coll.*
George Carter, *Coll. Or.*
1706 Edward Cranke, *Coll. Trin.*
William Turton, *Coll. Magd.*
1707 Henry Stephens, *Coll. Mert.*
James Smethurſt, *Coll. Braz.*
1708 Thomas Terry, *Ch. Ch. Coll.*
Robert Adderly, *Coll. All-S.*
1709 William Veſey, *Coll. Linc.*
William Deniſon, *Coll. Un.*
1710 William Williams, *Coll. Ex.*
William Bradſhaw, *Coll. Nov.*
1711 Thomas Girdler, *Coll. Wadh.*
Seth Eyre, *Coll. Magd.*
1712 William Periam, *Ch. Ch. Coll.*
Henry Byne, *Coll. Mert.*
1713 Edward Moſſe, *Coll. St. John.*

Royal Profeſſors in Divinity.

1535 Rich. Smyth, *S.T.P.*
1548 Peter Martyr, *S. T. P.*
1554 Richard Smyth *again*
1556 Johannes Fraterculus
1559 Idem Smyth
1560 Laurence Humphrey
1589 Thomas Holland
1612 Robert Abbot, *S.T.P.*
1615 John Prideaux, *S.T.P.*
1642 Rob. Sanderſon, *S.T.P.*
1648 Rob. Croſſe, *S. T. P.*
1648 Joſhuah Hoyle, *S.T.P.*
1654 John Conant, *S. T. P.*
1660 Sanderſon *reſtored.*
1661 Will. Creed, *S.T.P.*
1663 Rich. Alleſtrie, *S.T.P.*
1680 William Jane, *S.T.P.*
1708 John Potter, *S. T. P.*

Royal Hebrew Profeſſors.

THomas Harding, *A. M.*
1548 Rich. Bruerne, *S.T.B.*
1559 Thomas Neale, *S.T.B.*
1569 Tho. Kingſmill, *A.M.*
1591 John Harding, *S. T. B.*
1599 William Thorn, *A.M.*
1604 John Harding *again*
1610 Richard Kilbye, *S.T.P.*
1620 Edw. Meetkirk, *S.T.B.*
1626 John Morris, *S.T.B.*
1648 Edward Pocock, *S.T.P.*
1695 Thomas Hyde, *S.T.P.*
1703 Roger Altham, *S.T.P.*

Royal Greek Profeſſors.

NIch. Harpsfield
Geo. Etheridge
Giles Lawrence
1553 George Etheridge
1559 Giles Lawrence
1585 John Harmar
1590 Henry Cuffe
1597 John Perin
1612 John Hales
1619 John Harris
1622 John South
1625 Henry Stringer
1650 John Harmer
1660 Joſ. Crowther
1665 William Levintz
1698 Humphry Hody
1705 Thomas Mills
1707 Edward Thwaites
1712 Tho. Terry.

Roy-

Royal Profeſſors of Civil Law.

JOhn Storey, *L L.B.*
1553 William Awbrey, *L. L. D.*
1554 William Moſſe, *L L.D.*
1558 John Griffith, *L.L.D.*
1565 Robert Loffer, *L.L.D.*
1577 Griffin Lloyd, *L.L.D.*
1587 Albericus Gentilis
1591 John Budden, *L.L.D.*
1620 Rich. Zouch, *L.L D.*
1661 Giles Sweite, *L L. D.*
1672 Tho. Bouchier, *L.L.D.*
1712 Jam. Bouchier, *L.L.D.*

Royal Profeſſors in Phyſick.

JOhn Warner
1554 Th. Francis, M.D.
1561 Walt. Baily, M. B.
1582 Anth. Aylworth, M.D.
1597 Barth. Warner, M.D.
1611 Tho. Clayton, M. D.
1647 *Sir* Thomas Clayton, M. D.
1665 James Hyde, M. D.
John Luffe, M. D.
1697 Thomas Hoy, M. D.

Margaret Profeſſors.

1497 EDmund Wylsford, *S. T. P.*
1502 John Roper, *S. T. B.*
John Kynton, *S.T.P.*
1530 Wm Mortimer, *S.T.P.*
1540 Hugh Weſton, *S.T.P.*
Chriſtopher Goodman
John Smyth
1560 Fr. Babington, *S.T.P.*
1562 Herbert Weſtwhaling, *S. T. P.*
1563 James Calf-hill, *S.T.B.*
1567 Edw. Cradocke, *S.T.B.*
1594 John Williams, *S.T.B.*
1613 Sebaſt. Benefield, *S.T.P*
1626 Sam. Fell, *S. T. P.*
1637 Tho. Laurence, *S.T.P.*
1648 Fran. Cheynell, *S. T. B.*
1652 Hen. Wilkinſon, *S.T.P.*
1660 Tho. Barlow, *S.T.P.*
1676 John Hall, *S.T.P.*
1691 Hen. Maurice, *S.T.P.*
1691 Tho. Sykes, *S. T. P.*
1705 John Wynn, *S. T. P.*

Geometry Profeſſors.

1619 HEn Briggs, *A.M.*
1630 Peter Turner, *M. D.*
1649 John Wallis, *S. T. P.*
1703 Edm. Halley, *LL.D.*

Aſtronomy Profeſſors.

1620 JOhn Bainbridge, M. D.
1643 John Greaves, *A. M.*
1648 Seth Ward
1660 *Sir* Chr. Wren, *LL.D.*
1673 Edward Bernard
1691 David Gregory, M.D.
1708 John Carſwell, *A.M.*
1712 John Keil, M. D.

Profeſſors of Natural Philoſophy.

1618 EDward Lapworth, *A. M.*
1636 John Edwards, M. D.
1648 Joſhua Croſſe, *A. M.*
1675 Tho. Willis, M. D.
1660 *Sir* Tho. Millington
1704 James Farrer, *S.T.P.*

Moral Philoſophy Lecturers.

1621 WIll. Price, *A. M.*
1629 Thomas Ballow, *A. M.*
1633 Edw. Fulham, *A. M.*
1638 George Gisby, *A. M.*
1643 Joh. Berkenhead, *A.M.*
1648 Edw. Copley, *A.M.*
1648 Hen. Wilkinſon, *S.T.B.*
1654 Fran. Howell, *A.M.*
1657 Will. Carpender, *A.M.*
1660 Fran. Palmer, *A.M.*
1664 Andrew Criſpe, *A.M.*
1668 Nath. Hodges, *A.M.*
1673 Abra. Campion, *A.M.*
1677 Baptiſt Levintz, *A.M.*
1683 Will. Halton, *A.M.*
1687 John Bernard, *A.M.*
1688 Will Chriſtmas, *A.M.*
1693 Rog. Altham, *A.M.*
1698 Edw. Lilly, *A.M.*
1703 Sam. Adams, *A.M.*
1708 Edw. Thwaites, *A.M.*
1711 Tho. Girdler, *A.M.*

Hiſtory

Hiſtory Profeſſors.

1622 DEg. Wheare, *A. M.*
1647 Robert Wharing, *A. M.*
1648 Lew. du Moulin, *M. D.*
1660 John Lamphire, *M. D.*
1689 Hen. Dodwell, *A. M.*
1691 Cha. Aldworth, *LL. D.*

Anatomy Profeſſors.

1624 THomas Clayton, *M. D.*
1647 Tho. Clayton, *M. D.*
1650 William Petty, *M. D.*
1661 James Hyde, *M. D.*
1666 John Parys, *M. D.*
1669 Tho. Jeamſon, *M. D.*
Steph. Frye, *M. D.*

Arabick Profeſſors.

1636 EDw. Pocock, *S. T. P.*
Edward Bernard
1698 John Wallis, *A. M.*

CHAP. VI.

The Method of Proceedings in the Chancellor's Court.

IT having been before obſerved, that the Chancellor's Court of the Univerſity of *Oxford*, or (as commonly called) the Vice-Chancellor's Court, is a Court of great Antiquity, founded on Preſcription and immemorial Cuſtom; I will not here endeavour to trace the Beginning of its Juriſdiction, which (no doubt) was coeval with the Univerſity it ſelf, and in Extent of Cognizance reaching to Matters of Equity as well as Law, as it has been frequently adjudged in the Courts at *Weſtminſter*: And therefore I ſhall rather chuſe to confine my ſelf to the known Practice thereof, or (at leaſt) to what ought to be the Method of its Proceeding, according to the Courſe of the *Civil* and *Canon* Laws, in Conformity with the Statutes of the Univerſity, and the Municipal Laws of the Realm, which ſurely ought to be always regarded, than preſume to meddle with its Antiquity.

For the diſpatch of Cauſes of greater moment herein controverted, this Court is held (at leaſt) once a Week in Term-time, and in the Vacation too at the Vice-Chancellor's Pleaſure, *viz.* every Friday in the Afternoon at the *Apodyterium*, or at any other Place to be aſſign'd by the Univerſity, over which the Vice-Chancellor preſides as Judge, aſſiſted with the two Proctors of the Univerſity (if they will attend) and alſo by an Aſſeſſor of his own Nomination and Appointment, who ought to be ſome Doctor or Batche-

Batchelor of Laws, ſufficiently able to direct and inſtruct him in the whole Order and Method of Judicial Procedings; and as he ſupplies the Vice-Chancellor's Abſence, (which ought to be very ſeldom) all Acts of Court are then ſped and inſinuated in his Name.

It has been already ſaid, that in the two Univerſities they hold Pleas by Cuſtom and Charters confirmed by Act of Parliament, and proceed according to the Rules of the *Civil* Law in Civil Cauſes, and of the *Canon* Law in Eccleſiaſtical Cauſes: for ſuch Proceedings do beſt ſuit with them, inaſmuch as theſe Laws are written in *Latin*, and are there only ſtudied and learnt *. And ſince by the Courſe of the *Civil* Law, regularly no Debtor or Defendant in a perſonal Action ought to be arreſted and impriſoned on any Civil Action (for a Goal is only a State for Criminals, and a Place of ſafe Cuſtody) the Defendant firſt receives a Summons by the Mouth of the Mandatory, or ſome one of the Univerſity Beadles, if he may be found; and if not, then the Mandatory, or the citing Beadle thereupon the next Court-Day makes a Return upon Oath in open Court touching ſuch verbal Summons, by affirming, *the Defendant to have been diligently ſought by him on ſuch a Day and in ſuch a Place*; and then on the Plaintiff or his Proctor's Petition, after an Allegation of the Defendant's being diligently ſought, the Judge decrees a Citation *viis & modis* for a Re-ſummons of him; and then if he does not appear on the Return of this Citation into Court; the Judge, upon a Motion at the Plaintiff's Inſtance, after Oath made by the Mandatory of the due Service thereof, decrees a Warrant to arreſt and impriſon the Defendant's Body, until he gives an Appearance in Court

* *Paſch.* 23. *Car.* 1. *B. R.*

Court, either by himſelf or his Proctor. And thus, after the Action is entred and regiſter'd by the Actuary, the Foundation and Beginning of all Judicial Proceedings in this Court is by way of *Conventional* Citation or Summons, which is ſo neceſſary, that all Proceedings without it are null and void *ab initio*. This kind of Citation is threefold, *viz. Firſt*, that which is made by the Mouth of the Mandatory, *&c. Secondly*, by Writing: And *Thirdly*, by an Arreſt, which is ſtiled a *violent* or *real* Citation. A *monitory* Citation is made by the Judge *vivâ voce* in Court, when he admoniſhes any Party concern'd in Judgment *(ore proprio)* to appear to ſome ſpecial Matter in the Cauſe.

A Citation in Writing is both *Primary* and *viis & modis*, and each of theſe are the Citatory Decrees of the Judge in Writing, under the Seal of the Court, with the Judge's Hand-writing to them; and hereby the Juriſdiction is perpetuated, if it ſhould be afterwards deny'd or called in Queſtion.

Theſe Citations regularly ought to contain the Name of the Judge, the Chriſtian and Sirname of the Party cited; the Matter whereon he is cited; at whoſe Inſtance; the Day when and Place where he ought to appear; and laſtly in Civil Cauſes, that he ought to appear by himſelf or his Proctor well and legally inſtructed to anſwer the Plaintiff in his Suit: And all Citations in this Court are peremptory after Conteſtation of Suit, or (as they ſay at Common Law) after Iſſue join'd in the Cauſe; and if either of the Parties litigant do then become contumacious, the Judge may proceed in the Cauſe *in pœnam ſuæ contumaciæ*, without any further Citations, or by an Arreſt, or by pecuniary Mulcts, or laſtly by citing his Stipulator or Bail,

Bail, and pronouncing him to have incurred the Forfeiture of his Stipulation.

Becauſe there may be ſeveral Exceptions againſt a Citation, the Defendant ought therefore to have a Copy of the ſame left wi h him; whereby he may learn whether any of the following Objections may be made thereunto, *viz.* The Incompetency of the Judges Juriſdiction; or, that there being more than one Judge, the Citation only runs in the Name of one of them, as in the Court of Delegates; or that the Citation does not expreſs the Action, *&c*, or is made indeterminately as to Time and Place, *&c.*

If the Defendant be an Extraneous Perſon, or one ſuſpected of Flight, or of abſconding himſelf, he may be arreſted by a Warrant, without any previous Citation, upon an Allegation of the Plaintiff in Writing, ſetting forth the Fact, and his Belief of the Truth thereof *in vim juramenti*: And a Perſon is ſaid to be ſuſpected of Flight, *&c.* when being immerſed in Debt, he is of no Foundation or Society; or being of ſome Society, has been frequently in Contempt of the Court upon its Summons, *&c.* But if the Defendant, by concealing or withdrawing himſelf out of the Juriſdiction of the Univerſity, in Fraud of his Creditors, cannot be induc'd to an Appearance by a Citation, or compelled thereunto by a Warrant againſt his Perſon; the Judge decrees or grants a Warrant againſt his Goods, Sums of Money in the Hands of any Perſon within the Univerſity; or the Profits of his Fellowſhip, Scholarſhip, Studentſhip, Canonry, *&c.* upon the Plaintiffs Suggeſtion on Oath, touching his Belief of the Premiſſes; that by this Warrant of Diſtreſs or Sequeſtration he may be forced to yield an Appearance. And if he ſhall not then appear with-

within the Space of a Year, and find Sureties for his due Attendance on the Court, either by himſelf or his lawful Proctor, till Sentence pronounc'd in that Cauſe, his Goods ſhall be ſold, and the Money for them be deliver'd to the Plaintiff in Satisfaction of his Demand; and if the Goods be periſhable, they may be ſold by the Judge's Decree ſooner, and the Money for them ought to be lodged in the Court, or be put into the Plaintiff's Hands, on his giving Security to refund the ſame on the Defendant's timely Appearance to try the Cauſe: And if the Profits of a Fellowſhip, *&c.* be under Sequeſtration, by the Judge's Decree, the Plaintiff ſhall receive the ſame upon the like Security given. For after the Defendant has exhibited an Appearance, and put in Stipulation to try the Cauſe, and ſatisfy the Judgment of the Court, the Sequeſtration is relax'd on the Defendant's paying the Expences judicially tax'd.

In all Cauſes wherein the Matter in controverſy exceeds not the Sum of 20 Shillings, the Proceedings ought to be *vivâ voce*, without any Libel, by a ſummary Petition, which ought to be heard *groſſo modo* by the Defendant's immediate Anſwer thereunto, and by each Party's inſtant Production of Witneſſes, if ſuch ſhall be thought neceſſary on either ſide; and on thus hearing the Matter, the Judge gives Sentence by an interlocutory Decree: But if the Matter in diſpute be above this Summ, then the Plaintiff exhibits a Libel, and the Judge aſſigns the Defendant a Term to the next Court to receive a Copy thereof, and to join Iſſue thereon, if he will contend any further in the Cauſe. Note, That *Cauſe*, *Inſtance* and *Suit* are not the ſame Thing; for the Word *Cauſe* extends it ſelf to the whole Action, as well before as after Conteſtation

teſtation of Suit, comprehending both *Litem* and *Inſtantiam*; whereas the Word Inſtance only ſignifies that Part of the Action or Proceeding, which commences the Cauſe, and advances to Conteſtation of Suit; and the Word *Lis* or Suit properly ſignifies all that Part of the Action, which follows from Conteſtation of Suit to the End of the Cauſe; and thus properly to *renounce the Inſtance of a Cauſe*, is to depart from all the initial Acts of a Cauſe till Conteſtation of Suit; *renunciare liti* is to recede from all Proceedings from the Time of Conteſtation of Suit till the Diffinitive Sentence pronounc'd; and conſequently *renunciare Cauſæ* is to renounce all Judicial Acts done in that Cauſe, and to give up the Cauſe it ſelf: But this Difference is not ſo ſtrictly always obſerv'd among Lawyers, theſe Terms being often uſed promiſcuouſly for each other.

In Civil Cauſes either of the Parties may recede from the Inſtance, Proceſs or Suit, by ſimply renouncing the ſame, without the Leave of the Court; but it is otherwiſe in Criminal Pleas.

After Conteſtation of Suit, the Parties (if requir'd) take the Oath of Calumny, and the Plaintiff may produce the Defendant (as Party principal) to make Anſwer upon Oath touching the Contents of the Libel, if he thinks he can be relieved thereby; and if the Defendant does not anſwer fully and plainly thereunto, he may be compelled to it by an Impriſonment on his ſecond Anſwer given into Court: And if the Defendant being produc'd ſhall refuſe to anſwer, he may be taken *pro Confeſſo*. If the Defendant has any Defenſive Plea or Matter to propound, he ought to exhibit the ſame at the Time he gives in his Anſwer in Writing; yet all dilatory Excep-

Exceptions ought to be made before Conteſtation of Suit, if they ſhall then come to the Defendant's Knowledge, ſuch as Recuſation of the Judge, an Exception to the Plaintiff's Perſon, Libel, *&c.* altho' peremptory Exceptions be allow'd till Concluſion of the Cauſe, that is, until the Judge aſſigns *ad ſententiandum primò*; for properly ſpeaking there is no Concluſion in the Cauſe, the Proceedings in this Court being in a ſummary manner; and therefore Replications, Duplications, *&c.* ought not to be allow'd, which Practice (if obſerv'd) wou'd render the Proponents the more careful in drawing their Matters, and prevent many tedious Suits.

If the Plaintiff cannot be relieved by the Defendant's perſonal Anſwer in Writing, he may pray a Term-probatory to be aſſign'd him, *viz.* three Court-Days for the Production, Swearing and Examination of his Witneſſes; and this Term is common to both Parties for the Proof of all ſuch Pleas as have been exhibited: But in the Production of Witneſſes, the Parties producent ought to take care, that they uſe no Witneſſes to their prejudice: for the Depoſition of the Producent's Witneſs will make very ſtrongly againſt him, and frequently gives a Turn to the Cauſe. The Defendant is obliged to Proof, when he propounds any Act peremptory and deſtructive of the Plaintiff's Libel, as *Payment*, an *Acquittance*, a Releaſe or Covenant *de non petendo*, Preſcription, *&c.* Moreover the Defendant is bound to make Proof, when a Preſumption or the Common Law is in the Plaintiff's Favour; but in all other Caſes the Plaintiff is bound to make Proof of his Intention *libellatè*, on the Defendant's Denial thereof: And this he may do either by Witneſſes, or by publick or private Inſtruments in Writing, or by Books

Books of Account, Letters, &c. And if he proves nothing, he ſhall gain nothing by the Sentence; for Proof is the very Life and Soul of all judicial Proceedings, and therefore Caution ought to be obſerved in framing the ſame.

Only Facts can be the Object of Proof, for the Law is left to be diſcuſſed by the Advocates, and pronounced by the Judge on theſe Facts: But as Facts impertinent and ſuperfluous, *i. e.* ſuch as are foreign to the Purpoſe, and neither help or incommode the Cauſe, ought not to be allow'd of in the Libel, ſo 'tis not needful to prove them; nor is it neceſſary to prove Facts known to the Judge, *quatenus* Judge, or ſuch as are confeſſed by the adverſe Party. When both Parties are prepared to produce Witneſſes or other Evidence, the Plaintiff, if he pleaſes, ought to have the Precedence; nor can the Defendant be compelled to a Production, till the Plaintiff has either produc'd or refus'd to produce his Evidence: But on the Plaintiff's Delay, the Defendant may produce it ſooner, if he deſires Diſpatch, the Term-probatory being common (as aforeſaid.) The Species of Proof are various, *viz.* By-witneſſes, Confeſſion, Letters, Inſtruments, Schedules, Books, Epitaphs, publick Fame, with a Suppletory Oath, &c. Yet in Criminal Cauſes, publick Fame alone, without a living Witneſs, is not ſufficient. But the ſtrongeſt of all Proof next to the adverſe Party's Confeſſion, is Proof by the Depoſition of Witneſſes, regularly made, after Conteſtation of Suit; for Witneſſes cannot be produc'd before Iſſue joined, unleſs in ſome ſpecial Caſes in our Law-Books remembred; yet if Witneſſes are produc'd and examin'd before Conteſtation of Suit, they ought to be re-examin'd, if they ſurvive or afterwards return home, &c. Wit-

Witneſſes in all *Dilatory*, and in ſome *Peremptory* Exceptions, are examin'd before Conteſtation of Suit, and may alſo be produc'd and examin'd before any Proceedings are begun, when they are examin'd *in perpetuam rei memoriam*, thro' Fear of Death, or long Abſence of a Witneſs, beyond Sea, *&c.* But Witneſſes ought not to offer and preſent themſelves; and if they do, they may be rejected by the Judge as ſuſpected; for they ought to be asked by the Parties, tendring them their Journey-Expences, *&c.* And if they refuſe then to appear and give their Depoſitions, they may be compelled by a Citation and Impriſonment in Civil Cauſes, and by a Citation and Excommunication in Eccleſiaſtical Cauſes: Yet they ought to be produced by the Parties, and not the Judge; but the Judge ought to give them ſafe and free Acceſs to the Court, and a ſecure Retreat from thence: And as it is the Judge's Duty to ſwear them in the Preſence of the Adverſary (for they are no Witneſſes without an Oath) ſo he may reſtrain the Number of them produc'd upon any Article or Poſition (as he ſhall ſee fit) above two and under ſeven.

All Witneſſes by the *Civil* and *Canon* Law are examin'd ſeparately and in private, and their Depoſitions ought to be taken in Writing by the Regiſter of the Court, or ſome other Notary Publick, in the Preſence of the Judge; and they may correct and amend their Depoſitions, if the Regiſter or Notary does not write them according to their Intention, upon repeating their Evidence. Indeed it has not been uſual of late Years in the Chancellor's Court to examine them in the Judge's Preſence; but it is much to be wiſhed, that this Practice, as well as the Law herein, were reviv'd, for the greater Honour

nour and Juſtice of the Court. Witneſſes may be examin'd on Holidays, if produc'd and ſworn before; or if within the Time of the Commiſſion, they may be examin'd after the Determination of the Commiſſion.

Inſtead of ſending Articles or Poſitions (as formerly) to the Judge, for the Examination of Witneſſes on them, the Parties producent now give Directions on what Articles or Poſitions of the Libel, or other Judicial Matter, they would have their reſpective Witneſſes examin'd on: And if the adverſe Party will have them croſs-examin'd, he exhibits or ſends in Interrogatories to be adminiſtred to them at the Time of their Examination: But the Party miniſtrant ought to be very careful, how he forms his Interrogatories, leſt they prejudice his Cauſe. Theſe Interrogatories are never given or communicated to the Party, againſt whom the Witneſſes are produc'd, leſt they ſhould induce the Miſchief of Subornation or perpetual Hatred to the Witneſſes produc'd: And in drawing them great Regard ought to be had to the Perſons, Manners, and the Affections of the Witneſſes, who ought always to render a concluſive Reaſon for their Depoſitions, as that they ſaw him do ſo, or heard him ſay ſo, *&c.* elſe their Teſtimony is of no Validity. And laſtly, Witneſſes ought to be examin'd in their own known Mother Tongue; and if their Depoſitions taken ſhall be too general or obſcure, *&c.* they may be requir'd to explain the ſame.

I ſhall not here meddle with the various Credit and Authority of Witneſſes, it being too large a Field to travel over at preſent; and therefore I ſhall proceed to the Publication of the Depoſitions, which is done on each ſide after the Examination of their reſpective Wit-

neſſes or the Term-probatory is elapſed; when the Judge, at the Parties Petitions, decrees of the ſame, to reprobate theſe Depoſitions, if poſſible, otherwiſe to proceed to Sentence after Informations had upon the Merits of the Cauſe; and then on the ſecond Court-Day from the Publication of Witneſſes, the Judge pronounces a Diffinitive Sentence in Writing atteſted by the Regiſter of the Court and two Witneſſes preſent; and therefore it ought to be read *altâ voce*, otherwiſe the Regiſter cannot ſay, it was read, *&c.*

It is to be noted, That if either of the Parties makes any ſpecial Proteſtation or Exception againſt the Production, Admiſſion or Swearing of Witneſſes, ſuch Proteſtation or Exception ought to be made *apud acta Curiæ*, and immediately prov'd (if poſſible) before ſuch Witneſſes are admitted and ſworn; otherwiſe they may be admitted and ſworn, and their Veracity ſhall depend on the Merits of a general Proteſtation againſt their Perſons, and the Party proteſting ſhall not be allow'd to give or aſſign any ſpecial Matter afterwards againſt them: Nor ſhall he be ſuffer'd to propound any Plea after the Judge's Aſſignation *ad ſententiandum ſecundò*; for 'tis concluded in the Cauſe, and the Concluſion cannot be reſcinded, but in extraordinary Caſes, on the Diſcretion of the Judge, whoſe Mouth is never ſhut hereby.

In Informations, which always ought to be in publick Court, for the Honour thereof, and for many other Reaſons not ſo proper here to be given, the Plaintiff's Proctor begins the ſame with the Libel, and is follow'd by the Defendant's Proctor, according to the Order of the Judicial Proceſs, and then the Depoſitions are read, firſt by the Plaintiff, and then by the Defendant,

dant, *&c.* and then the Advocates (if any retain'd) ſpeak and argue thereon, *firſt* on the Fact, and *ſecondly* (if Occaſion be) on Law: Nor can the Judge aſſign any other Place for theſe Informations, than the Place appointed by Statute for Judicial Matters, without Conſent of Parties; and it is juſt Cauſe of Appeal, if he ſhou'd, ſince there is a Place aſſign'd for publick Judicature, and the Law abhors all private and clandeſtine Hearings.

The Judge pronounces his Sentence ſitting on the Tribunal Seat in publick Court, and not ſtanding; for this laſt Poſture of the Body in a Judge at this time is alſo a juſt Cauſe of Appeal: And if there be many Judges (as in the Court of Delegates aforeſaid) the Sentence is read by one in the Name of all the reſt. The Subſtantials of a Diffinitive Sentence cannot be corrected, but the Judge may correct all other Sentences beſides a Diffinitive one, nay even interpret and explain the obſcure Paſſages of this, and the ſame Day add all Accidents and Concomitants to the Subſtance thereof, as Expences of Suit, *&c.* And here I muſt obſerve, That Condemnation in Expences is wont to be in a various manner; for ſometimes only the Perſon caſt, ſometimes the Perſon obtaining Suit, and ſometimes both of them, are jointly condemned in Expences; which Condemnation, Reſervation or Compenſation of Expences, is for the moſt part left to the Prudence and Diſcretion of the Judge, for which ſee the Law-Books more at large, *Damhoud. Prax. Civ. p.* 467, *&c.* But a Diffinitive Sentence, as well as an Interlocutory Decree having the Force of a Sentence, may be reverſed by an Appeal, firſt made to the Delegates of Congregation, and from thence to thoſe of the Convocation, if

any in being; otherwiſe to the Congregation and Convocation it ſelf: And if there be not then three conformable Sentences, a further Appeal may be made to her Majeſty in her High Court of Chancery, who in Civil Cauſes is wont to grant a Commiſſion of Delegacy to ſome of the Judges of the Realm, and certain Doctors of Law, for the Hearing and Determination thereof, and in ſpiritual Cauſes ſome of the Biſhops are join'd with theſe in Commiſſion: Yet if the Sentence be not appealed from within 15 Days, the Inferior Judge (called the Judge *a Quo*, or of the *firſt Inſtance*) may proceed to emit a Citation againſt the Party caſt in Suit, to ſhew Reaſon why Sentence ſhould not be demanded to Execution, and alſo to ſee a Bill of Expences taxed: And if there be on his Appearance no Reaſon alledg'd to the contrary, the Judge demands the ſame to Execution, taxes a Bill of Expences, and decrees a Monition for the ſatiſfying of the Judgment, and for the Payment of Coſts. But if the Sentence be appealed from, and this Appeal be received by the Proctors of the Univerſity, or either of them, with whom it ought to be lodg'd, within three Days after the Interpoſition thereof, the ſaid Proctors, or one of them (at leaſt) ought to iſſue out an Inhibition under their Hands, to be ſerved on the Judge *a Quo*, on the Party Appellate, and on the Regiſter of the Inferior Court, commanding them to proceed no further in that Court againſt the Appellant, *quouſque*, *&c.* Which Inhibition regularly ought to be return'd to the Proctors again, or to the ſuperior Court, and not be filed in the Court below, according to the preſent Practice, either through the Ignorance or Negligence of the Proctors, who by this means cannot ſo well puniſh the Contempt and Diſobedience

bedience of that Court in proceeding after the Service thereof: And the procuring this Inhibition, is called proſecuting the Appeal; for thereupon the ſaid Proctors do within a convenient time intimate the Appeal lodg'd with them to the Delegates of Congregation, who, by this Intimation, are requir'd to aſſemble on the Day therein aſſign'd them, and upon Oath to take on them the Office of Delegates named for this Purpoſe by the Proctors, with the Vice-Chancellor's Conſent in the firſt Congregation after the Proctors Entrance on their Office, as the Delegates of Convocation are in the firſt Convocation; and if any of theſe Delegates for Cauſes ſhall die, or be abſent, or be recuſed on any Cauſe of Suſpicion, at the Time of ſuch Appeal, the Proctors ought to name others in their Stead: For there muſt be three (at leaſt) concurring to every Act, and four conſenting to a Sentence. Theſe Delegates meet every *Wedneſday* in the *Apodyterium*, at One a Clock, as well in Term as in Vacation Time, to hear and decide Appeals principally according to the Laws, Statutes, and Cuſtoms of the Univerſity, and oftner if they think fit.

When they are aſſembled for this Purpoſe, the Party-Appellant prays them to hear his Appeal; and then exhibiting the ſame in the Place of a Libel, he moves them to decree a Citation for the Appearance of the Party-Appellate, and another to the Regiſter of the Court below for the introducing the Proceſs in the firſt Inſtance, either in their Originals, or by Copies thereof, on or againſt the Day of their next Meeting: And then if the Parties will proceed by the ſame Acts (for they may propound new Matter, and make new Proof) the Delegates aſſign them a Day for Informa-

tions on the Fact, and another (if need be) for Informations in Point of Law on the Merits of the Appeal; and then the next Day after ſuch Informations, they pronounce Sentence either by confirming or reverſing the Sentence appeal'd from, and then proceed to a Taxation of Expences, and to the demanding of Sentence to Execution, as in the firſt Inſtance aforeſaid. *Note*, If the Delegates pronounce *benè appellatum & malè judicatum*, they never remit the principal Matter to the Judge *à Quo*; for, *qui ſemel gravavit, ſemper gravabit*, it being dangerous to truſt him after the Provocation of an Appeal: But if the Sentence *à Qua* be confirm'd, the principal Matter in Controverſy is remitted to the inferior Court for the Execution of the Sentence, *&c.*

In all Cauſes of Appeal from any Grievance irreparable (for from other Grievances the *Civil* Law forbids Appeals) the Appellant, in the Inſtrument of his Appeal, ought fully to deduce and expreſs the Cauſe of his Grievance, in no wiſe neceſſary to be done in an Appeal from a diffinitive Sentence, or an Interlocutory Decree having the Force of ſuch Sentence. It muſt be obſerv'd, that the *Fatale* of every Appeal runs, and is computed *à Momento ad Momentum*, from the Time of Sentence or Decree pronounc'd, to the Inſtant of interpoſing the ſaid Appeal in the Preſence of a Notary Publick, and two Witneſſes atteſting the ſame; and then, within three Days after, the Appellant carries it to the Proctors (as aforeſaid) for an Inhibition thereupon, which is granted on his taking an Oath, that his Appeal is not frivolous; and on his depoſiting in the Proctors Hands the 20th Part of the Thing in Debate to the Uſe of the Univerſity (as Caution) in caſe he

be

be caſt in his Appeal, otherwiſe the Proctors return it again.

There are ſome Caſes, wherein the Benefit of an Appeal is not allow'd by reaſon of the Atrocity of the Crimes committed, and the Offenders fortifying themſelves in the midſt of Tumults againſt the Authority of the Magiſtrate and the Laws, by the Aſſiſtance of the Law it ſelf: And theſe Offenders are ſuch as *Libellers*, *Fornicators*, *Adulterers*, *Drunkards*, *perjur'd Perſons*, *Breakers* of the *Peace*, *Noctivagators*, *Wearers* of *Arms* contrary to the Univerſity Satutes, *all Perſons refuſing to appear before the Chancellor or his Commiſſary*, &c. *upon a legal Summons, or appearing come with a Multitude, or give him opprobrious Language, or refuſe to go to Priſon on his Warrant or Command, or frequent Conventicles*, &c. All theſe Perſons are interdicted the Benefit of an Appeal from a Diffinitive Sentence, or Interlocutory Decree, having the Effect of ſuch Sentence; provided the Judge impoſes not a more grievous Puniſhment than the Statute inflicts, *&c.* yet the Party aggriev'd, by any undue and irregular Proceeding, may have a *Querela nullitatis*.

If any Perſon be guilty of a Breach of the Peace, or other enormous Crime (tho' committed within a private College or Hall) and be convicted thereof, by ſufficient and legal Evidence, or be taken in *ipſo Facto*, he ſhall be puniſh'd by the Statutes of the Univerſity, and impriſon'd, till he makes Satisfaction to the injur'd Party, or gives Sureties for that End, if the local Statutes of ſuch private Society preſcribe no Puniſhment, or give no Satisfaction to the Party injur'd: And beſides this, he ſhall have his Name, Crime, Condemnation, and Stipulation regiſter'd in the Vice-Chancellor's

Black Book; ſo that if he be thereof convict a 4th Time, he may be expelled the Univerſity for ever.

If any Perſon be charg'd with a Breach of the Peace, or any other grievous Crime, or be probably ſuſpected thereof, or taken in *ipſo Facto*, he ſhall be impriſon'd for Cuſtody's ſake; and if he refuſes to yield Obedience to the Vice-Chancellor's Warrant, being a Student of any Degree whatever, he ſhall be expell'd the Univerſity; and if a privileg'd Perſon, he ſhall loſe his Privilege; and if a Townſman, he ſhall be diſcommon'd, provided the Cognizance of the Crime appertains to the Chancellor: But even in this Caſe the Criminals are allow'd to put in Stipulation or Bail for their Appearance in Court, and Continuance thereof until Sentence; and if they cannot find Sureties, the Vice-Chancellor ought to bring them within two Days by a ſtatutable Examination thereof. If the Proctors carry a Criminal to Goal (as they may do in the Night time for the Sake of Cuſtody) they ought the next Day, under the Pain of falſe Impriſonment, to denounce the Cauſe thereof to the Vice-Chancellor; for the Goaler cannot keep him a Priſoner above 24 Hours without the Vice-Chancellor's Warrant, under the ſaid Penalty.

In ſuch Caſes, wherein 'tis doubtful, an Appeal ſhall be admitted, or the Vice-Chancellor, within three Days from the Interpoſition of the Appeal, ſhall name two Doctors, who have been Proctors, (if reſident in the Univerſity) elſe two other Doctors; and the Proctors on their Part ſhall name two of the ſame Condition, or two Maſters of Arts, who have been Proctors, and theſe with the Profeſſor of Law, or (in his Abſence) the Senior Graduate in this

this Faculty preſent, ſhall, in a ſummary Manner, *ſolâ rei inſpectâ veritate*, determine by a major Part of them, whether the Appeal ſhall be admitted or rejected by the Proctors, wherein they ought to favour the Appeal as much as poſſible; for that all Laws prohibiting Appeals are odious, inaſmuch as they are againſt *Common Right*, and therefore ought to be reſtrain'd. See *p.* 95.

In a Civil Cauſe, where the Defendant's Perſon cannot be arreſted for his Contempt, either becauſe he abſconds, or has privily withdrawn himſelf out of the Juriſdiction, he may be arreſted by his Goods, Monies, or the Profits of his Fellowſhip, *&c.* (as before remembred) with an Original Warrant; whereunto is added a Citation to ſummon him in *ſpecial, and all others in general, having, or pretending to have any Right, Title or Intereſt in the ſaid Goods, Money*, &c. to appear ſuch a Day in ſuch a Cauſe, *&c.* After the Mandatory has executed this Warrant and Citation on the Goods, *&c.* of the Defendant, he makes a Return thereof into Court upon Oath, certifying the ſame with a Schedule of the Goods, *&c.* arreſted, and when and in what Place he ſerv'd the ſaid Warrant and Citation: Then the Plaintiff's Proctor exhibiting his Proxy in Writing, or at the Acts of Court, (as in other Caſes) gives in the Original Warrant with a Certificate indors'd on it; whereupon the Plaintiff's Proctor (after the Defendant, *&c.* have been thrice called over by the Cryer) accuſes their Contumacy, and prays that they may be reputed contumacious; and in Pain of ſuch their Contumacy decreed *incidiſſe in primam defaltam*, (for they muſt be in three Defaults before the Judge decrees a Sequeſtration) and then

then the Proctor prays a Continuance of the Certificate of the ſaid Warrant *in prox.* After the 4th Default, (which is ſuper-abundant) the Plaintiff's Proctor offers the firſt Decree, (as uſually called) and alledging all things to have been done as therein contained, prays Juſtice may be adminiſter'd to his Client by admitting him into the Poſſeſſion of the Goods, *&c.* arreſted; which the Judge accordingly admits, on Proof of the ſaid Allegation, by Reading and Signing the ſaid Decree; and then taxing a Bill of Expences, Decrees a Monition for the Payment thereof, and for letting the Plaintiff into Poſſeſſion of the Defendant's Goods, *&c. Note*, That every *neceſſary* Sequeſtration is a kind of Execution in Law, and therefore full Proof ought to be made of the Debt, Contract, *&c.* but 'tis otherwiſe in a *voluntary* Sequeſtration, through the Conſent of the Party himſelf.

If a third Perſon appears as Proprietor of the Goods arreſted, for his Intereſt in theſe Goods, *&c.* e're the firſt Decree is pronounc'd, he ought to pay the Expences of Suit to the Time of ſuch Decree before he ſhall be heard, and then he may alledge and propound his Intereſt, giving Sureties to abide by the Judgment of the Court, and to pay the Expences of Suit in caſe he ſhall not prove his Intereſt: Yet pending this Suit, the Goods, *&c.* arreſted ſhall continue under Sequeſtration; and if he ſhall prove his Intereſt in them, they ſhall be adjudg'd to him, and the Plaintiff condemn'd in Coſts. But if the Party claims his Intereſt after pronouncing the ſaid Decree, he ſhall not be heard without firſt paying all Expences taxed at the Time of the Decree pronounc'd, and then he may alledge and propound as aforeſaid:

Yet

Yet the Party thus intervening ought then to cite the Party principal (if living;) for his Proctor has diſcharg'd his Office, and his Proxy ceaſes.

In all Civil Cauſes, a Proxy ought to be exhibited before Conteſtation of Suit; for hereby the Proctor becomes *Dominus Litis:* But 'tis otherwiſe in Criminal Cauſes, wherein the Defendant can have no Proctor, until after Conteſtation of Suit; and not then without the Judge's Aſſignation, tho' Practice has generally prevail'd on the contrary. In Criminal Cauſes, let the Promoter's Proctor take care how he exhibits Articles in his own Perſon, leaſt he ſhou'd not be able to prove the ſame; and then an Action will lie againſt him, unleſs, by the *meer Office* of the Judge, he be aſſign'd a neceſſary Promoter, and then the Action is againſt the Judge, if his Proſecution be malicious, falſe and calumnious.

In all Pleas, or Matters judicially exhibited, the Proponent ought to be clear, conciſe, pertinent and concluſive in framing the ſame, not uſing general and ambiguous Terms: And in drawing of Libels and judicial Petitions, a concluding Petition is as neceſſary as the Poſition founding the Juriſdiction of the Judge; tho' it be otherwiſe in Criminal Cauſes, wherein the Law it ſelf concludes; and therefore there is no need of a Concluſion. Every Concluſion of a judicial Plea is pertinently drawn from the Premiſſes, and form'd according to the Style of the Court; and ſince the whole Force of the Sentence depends thereon, great Care ought to be taken in forming of this Concluſion; for the Judge ought to pronounce according to the Tenor thereof, and not of the Premiſſes: And if the Plaintiff in the Concluſion

of

of his Libel do's not make a proper concluſive Petition, the Judge by his Sentence cannot give what was not before asked by the Plaintiff; ſo that the Concluſion virtually contains all the Premiſſes: For what was before deduc'd in the Premiſſes by a long Narration, is now in a more contracted manner cover'd in the Concluſion. But the Obſervance of a Concluſion is not ſo neceſſary in the Defendant's Plea, becauſe it is ſufficient for him to form and alledge Exceptions againſt the Plaintiff's Petition or Premiſſes as they are ſet forth; yet Practice has made it neceſſary for the Defendant alſo to frame a Concluſion from the Premiſſes of his defenſive Matter.

The Defendant, in drawing his perſonal Anſwer, and in repelling the Poſitions of the Plaintiff's Libel, ought to obſerve many Cautions: As *Firſt*, That theſe Anſwers are exhibited in Writing; for 'tis of great Uſe and Advantage to the Defendant thus to give in his Anſwer, ſince he may not hereby be twice interrogated on the ſame Poſition, or Article, which ought not to be, whether confeſſed or denied. *Secondly*, The Reſpondent ought to be more prone and ready to deny than confeſs, eſpecially when the Poſitions depend on the Reſpondent's Fact, who may confeſs or deny the ſame with the greater Aſſurance of Truth through his Privity thereunto; and then 'tis the Plaintiff's Duty to prove the ſame. *Thirdly*, The Defendant is not bound to Anſwer to ſuch Facts as are not expreſs'd or underſtood in his Oath; for he is only oblig'd to anſwer to the principal Queſtion, and not to uncertain, ſuperfluous, obſcure, or impertinent Poſitions, nor to any negative, general, criminal, captious, or prejudicial Poſition, nor to any Po-

Poſition founded upon Law, or that requires the Anſwer of another Perſon, nor to any one that contains in it ſelf many Articles, or to an unnatural one, *&c.* And thus much of judicial Pleadings in general according to the Practice of this Court. I ſhall only further take Notice of the Recuſation of the Judge through Occaſion of Suſpicion; which Occaſion (God knows) happens too frequent in Courts through the Malice, Partiality, and other evil Paſſions of ſome Judges. In the Year 1706. Dr. *Tho. Wood*, now Rector of *Hardwick* in *Buckinghamſhire*, being then Aſſeſſor of this Court, after he had privately raked after Buſineſs for a malicious Proſecution, and had in a very undecent Manner defam'd one of the Proctors of the ſaid Court, wou'd not be recus'd as a Judge ſuſpected of Hatred; for notwithſtanding an Allegation given in Writing, and Arbitrators named on the Recuſant's Part, the ſaid Doctor proceeded in the Cauſe under the Perſwaſion of being an *Ordinary Judge*, altho' hardly a *Delegated* one: Yet, according to the vulgar Acceptation, he was well enough qualify'd for that Title. But upon an Appeal to the Convocation, the Delegates annull'd all his Proceedings, and revers'd his unjuſt and wicked Sentence; whereupon it was appeal'd to the Queen in Chancery, where the Sentence of the aforeſaid Delegates was approv'd and confirm'd, the Court declaring, that the Vice-Chancellor and his Aſſeſſor might be both recus'd for good Reaſons: And ſo this great Lawyer being diſcomfited notwithſtanding his Brazen Wall, (I mean not his Conſcience) was oblig'd to retire to his Living in the aforeſaid Country, where, I hope, he will do himſelf and Neighbours more

more good by his Preaching, than he has done himſelf and the World Service by his *Poetry*, *Civil*, *Common*, and *Canon* Law, which he has profeſs'd at different Seaſons. It is to be noted, That all recuſatory Allegations in temporal Cauſes are in Writing, but otherwiſe in Spiritual Cauſes.

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Appendix.

Diploma Arthurianum Cantabrigiæ conceſſum.

ARthurus regali à Deo fultus dignitate, omnibus ſuis ſalutem. Quia omnipotens Deus per miſericordiam clementiæ, abſque ullo antecedente merito, ſceptra regis mihi largitus eſt, libenter ei ex eo quod dedit retribuo: Idcirco ejus gratiâ eruditus pro amore cæleſtis patriæ remedióque animarum anteceſſorum meorum Britanniæ regum, pro augmentatione inſuper reipub. regni meæ Britanniæ, ac profectu ſpirituali ſcholarium in lege Domini jugiter Cantabrigiæ ſtudentium, conſilio & aſſenſu omnium & ſingulorum Pontificum & Principum iſtius regni, & licentiâ ſedis Apoſtolicæ ſtatui præſenti ſcripto & firmiter decerno, ut civitas ſcholarium prædicta (ubi hactenus ſplendorem ſcientiæ & lumen doctrinæ gratiâ favente conditoris, mei prædeceſſores acceperunt) à publicis vectigalibus & operibus oneroſis abſolvatur, ut quietudine Doctores inibi & ſcholares valeant doctrinæ ſtudio inhærere, ſicut glorioſus Rex Britanniæ Lucius decrevit, Chriſtiani- *Anno* 531.

ſtianitatem amplectens prædicatione Doctorum Cantabrigiæ. Quamobrem ſint Scholares atque Doctores Cantabrigiæ manentes in tranquillitate perpetuâ tuti, privilegiiſque muniti regalibus, cum ſuis rebus & familiaribus ab omnibus ſæcularibus ſervitutibus, nec non à regalibus tributis majoribus ſeu minoribus. Datum anno ab incarnatione Domini 531. ſeptimo die Aprilis in civitate Londinenſi.

Honorii primi Bulla Cantabrigiæ conceſſa.

Anno 634. HOnorius Epiſcopus ſervus ſervorum Dei, dilectis filiis Doctoribus & Scholaribus in Univerſitate Cantabrigiæ ſtudentibus, ſalutem & Apoſtolicam benedictionem. Dilectiſſimi in Chriſto filii, non abſque labore & plurimâ turbatione didicimus, quomodo multitudine nefandâ Paganorum Univerſitas veſtra olim celeberrima vehementer affligitur. Quorum pravitate nonnulli propriæ ſalutis immemores, luporum faucibus & vulpinâ facie, libertates & privilegia, quæ vobis& prædeceſſoribus veſtris in eâdem Univerſitate ſtudentibus gratioſè indulſit ſedes Apoſtolica, moliuntur enervare. Ita quòd plures eccleſiarum præpoſiti abſque rationis jure minùs juſtè in vos juriſdictionem indebitam & inſolitam uſurpantes, quanquam non conſueverunt hactenus, ad Univerſitatem veſtram accedunt, materiam perturbationis & diſcordiæ ſeminantes, non correctionis, emendationis,aut reformationis ibidem officia exercentes contra inhibitionem ſedis Apoſtolicæ. Volentes igitur, ut tenemur juſtitiâ ſuadente, paci & tranquillitati Univerſitatis paternâ ſollicitudine ſalubriter providere, ubi clementiâ ſalvatoris, poculum

lum doctrinæ ſalutaris ſcientiæ hauſimus tunc agentes in minoribus, prædeceſſorum noſtrorum Romanæ Eccleſiæ Pontificum, Eleutherii, Fabiani, Simplicii, Felicis, & Bonifacii veſtigiis debitè inhærentes, authoritate omnipotentis Dei diſtrictiùs inhibemus ſub pœnâ excommunicationis quam veniens in contrarium ipſo facto incurrat, ne quis Archiepiſcopus, Epiſcopus, Archidiaconus, aut eorum Officiales ſeu Viſitatores generales aut ſpeciales à ſede Apoſtolicâ deputati, audeat in aliquem veſtrum ſuſpenſionis vel excommunicationis ſeu interdicti ſententias inferre, aut vos ſeu familiares veſtros moleſtare præſumat, ſed Cancellarius cum Rectoribus de conſilio ſaniorum & ſeniorum veſtræ Univerſitatis ſecundùm ſtatuta veſtra corrigere & emendare ſtudeat, charitate ſemper mediâ, ſecundùm quod magis expedire videritis : ſi quis verò ſubditorum veſtrorum ſtatutis veſtris contraire præſumpſerit, aut contempſerit obſervare, eum eccleſiaſticâ ſententiâ percellatis. Quam ſcil. ſententiam rationabiliter latam, tam à Dioceſano Epiſcopo, quàm ab aliis inconcuſſam uſque ad condignam cum humilitate & pœnitentiâ ſatisfactionem præcepimus obſervari. Decrevimus etiam quòd nulli omnino hominum liceat hanc paginam noſtræ conceſſionis, voluntatis, exemptionis & libertatis infringere vel ei aliquatenus contraire : ſi quis verò hoc attemptare præſumpſerit, indignationem omnipotentis Dei ſe noverit incurſurum. Scriptum apud Sanctum Petrum, anno ab Incarnatione Verbi 624. 20 die menſis Februarii.

Sergii primi ad Cantabrigiam Reſcriptum ſive Bulla.

Anno 689. SErgius Epiſcopus ſervus ſervorum Dei, dilectis filiis, Doctoribus & Scholaribus Univerſitatis Cantabrigiæ, in Angliâ ſtudentibus, ſalutem & Apoſtolicam benedictionem. Quoniam fama bonæ opinionis, in doctrinâ fidei orthodoxæ veſtræ Univerſitatis ubique terrarum diffunditur, & experti ſumus, ut vobis gratiam faciamus, inducimur juſtitiâ ſuadente. Ea propter, dilecti in Domino filii, veſtris piis & honeſtis, juſtiſque poſtulationibus annuentes, paci & tranquillitati veſtræ Univerſitatis almæ, ubi odor devotionis cum labore ſanctitatis adeſſe ſolebat, ſollicitè volentes providere, præſentium authoritate decrevimus, ut nulli Archiepiſcopo ſeu Epiſcopo, aliive eccleſiaſticæ perſonæ vel ſæculari liceat Univerſitatem veſtram aut aliquem veſtrûm ſuſpendere ſeu excommunicare, vel quolibet ſub interdicto ponere, abſque ſummi Pontificis aſſenſu, vel ejus mandato ſpeciali: prohibemus inſuper, ne quis privilegia vobis à ſede Apoſtolicâ gratioſè conceſſa, vel indulta, auſu temerario infringere ſeu reſtringere præſumat, vel attemptet; nulli igitur hominum liceat, hanc paginam noſtræ conceſſionis & exemptionis infringere, vel ei quoviſmodo contraire. Siquis autem hoc attemptare præſumpſerit, indignationem omnipotentis Dei & beatorum Apoſtolorum Petri & Pauli, ſe noverit incurſurum. Scripta Romæ in Eccleſiâ Lateranenſi, anno ab incarnatione Verbi 689. tertio die menſis Maii.

Charta

Charta Roberti de Olleyo.

NOtum ſit fidelibus ſanctæ Eccleſiæ tam præſentibus quàm futuris, quod ego Robertus de Olleyo, volentibus & concedentibus Aldithâ uxore meâ & fratribus meis Nigello & Gilberto, dedi & conceſſi, & in hâc præſenti Chartâ meâ confirmavi in puram & perpetuam eleemoſynam Deo & Eccleſiæ S. Georgii in caſtello Oxenford, & Canonicis in eâ Deo ſervientibus, & eorum ſucceſſoribus (quam Eccleſiam ego fundavi) pro ſalute regis Henrici & incolumitate totius regni, nec non & pro meâ ac uxoris & fratrum parentum & amicorum noſtrorum ſalute, omnes res, tenementa, decimas & poſſeſſiones ſubſcriptas, videlicet Eccleſiam Sanctæ Mariæ Magdalenæ quæ ſita eſt in ſuburbio Oxenford, cum tribus hidis terræ in Walton, & pratis & decimis eidem Eccleſiæ pertinentibus, &c.

Breve ſeu Præceptum Henrici III. *Majori & Ballivis Oxon. tranſmiſſum.*

REX Majori & Ballivis ſuis Oxon. ſalutem. Sciatis quòd pietatis intuitu conceſſimus, quòd omnes publicæ meretrices & concubinæ Clericorum quas cepiſtis & priſonâ noſtrâ detinetis, eò quòd contra proviſionem noſtram inventæ fuerunt in villâ veſtrâ Oxon. deliberentur ſub tali formâ. Quòd publicæ Meretrices ſtatim poſt deliberationen ſuam, villam noſtram exeant; concubinæ verò Clericorum te- *Anno* 1234.

nementa habentes in eâdem villâ, ſi juramentum vobis præſtiterint, & ſecuritatem vobis fecerint, quòd de cætero honeſtè ſe gerent, non habito acceſſu ad Clericos, cum quibus ſic captæ ſunt & detentæ, poſt deliberationem ſuam liberè & ſine impedimento ſtent in eâdem villâ, & ibidem morentur. Aliæ verò, domos aut poſſeſſiones in eâdem villâ non habentes, villam exeant, ibidem ulteriùs non moraturæ. Et ideo vobis præcipimus, quòd tam publicas meretrices quàm concubinas Clericorum in formâ prædictâ deliberetis. Teſte Meipſo apud Weſtmonaſterium, decimo die Julii, anno regni noſtri 18vo, annoque Dom. 1234.

Charta Henrici tertii pro cognitione placitorum Univerſitati Oxon. conceſſa.

Anno 1244. *Clauſ.* 28 *Hen.* 3. *M.* 6. *A. fol.* 53. *a. B.* 17. *b. C.* 79. *n. &c.*

HEnricus Dei gratiâ rex Angliæ, Dominus Hiberniæ, &c. Noveritis, Nos pro quiete Studentium Univerſitatis Oxon. de ſpeciali gratiâ noſtrâ conceſſiſſe Cancellario & Univerſitati prædictæ, quòd quamdiu nobis placuerit in cauſis Clericorum ex mutuis datis aut receptis aut taxationibus ſeu locationibus domorum aut equis conductis, venditis ſeu commodatis, ſeu pannis & victualibus ortum habentibus, ſeu aliis quibuſlibet rerum mobilium contractibus, in municipio aut ſuburbio Oxon. factis, noſtra prohibitio non currat. Sed hujuſmodi coram Cancellario Univerſitatis, non obſtante prohibitione noſtrâ, decidantur lites. In cujus rei teſtimonium has literas noſtras fieri fecimus patentes. Teſte Meipſo apud Rading, decimo die Maii, anno regni noſtri viceſimo octavo.

Alia

Alia Charta Henrici III. *Univerſitati Oxon. conceſſa.*

ANNO regni Regis Henrici filii Regis Johannis 32do, 29° die Maii, præſentibus apud Woodſtock tam Procuratoribus Scholarium Univerſitatis, quàm Burgenſibus Oxon, idem D. Rex conceſſit eiſdem Scholaribus libertates ſubſcriptas, viz. Quòd ſi inferatur injuria prædictis Scholaribus, fiat inde inquiſitio tam per villas vicinas, quàm per Burgenſes prædictos. Et quòd ſi ipſi Burgenſes interficiant aliquem de Scholaribus Oxon. vel in aliquem ipſorum inſultum faciant, vel alicui ipſorum gravem injuriam inferant, Communitas ejuſdem villæ per ſe puniatur & amercietur; & Ballivi per ſe, & non cum Communitate eâdem puniantur & amercientur, ſi negligentes vel dolum fecerint in exequendo officium ſuum contra illos, qui hujuſmodi injurias prædictas Scholaribus inferunt. Et quòd Judæi Oxon. non recipient à Scholaribus prædictis pro librâ in ſeptimanâ niſi duos denarios, & ſimiliter fiat in minori ſummâ ſecundùm ſuam quantitatem, alioquin prædicti Judæi puniantur juxta conſtitutionem regni. Et quòd quotieſcunque & quandocunque Major & Ballivi Oxon. Sacramentum Fidelitatis præſtabunt in loco ſuo communi, Communitas ejuſdem villæ denunciet Cancellario, ut per ſe vel per aliquas perſonas Eccleſiaſticas præſtationi juramenti prædicti, ſi voluerit, interſit: quod quidem juramentum tale erit quoad Scholares prædictos, viz. quod ipſi Major & Ballivi conſervabunt libertates & conſuetudines Univerſitatis prædictæ, alioquin non valeat juramentum ipſorum, ſed iterum præſtetur ſecundùm formam præſcriptam.

Anno 1248. *In turri Schol. EE n.* 2. *ſub ſigil. clauſ.* 32 *Hen.* 3. *M.* 9. *& in Rotul. chart. per mod. inſpex.* 52. *Hen.* 3. *M.* 6. *A.* 51. *b. C.* 77. *b. &c.*

Charta alia Henrici III. *Univerſitati Oxon. conceſſa & tranſmiſſa.*

Anno 1255. HEnricus Dei gratiâ Rex Angliæ, Dominus Hiberniæ, Dux Aquitaniæ & Normanniæ, Comes Andegaviæ, omnibus ad quos præſentes literæ pervenerint, ſalutem. Sciatis quòd ad pacem & tranquillitatem, nec non ad utilitatem Univerſitatis Scholarium Oxon. providimus & conceſſimus, quòd quatuor Aldermanni fiant in Oxon. & octo de legalioribus Burgenſibus ejuſdem Villæ aſſocientur ipſis Aldermannis, qui omnes jurent nobis fidelitatem, & ſint aſſiſtentes & conſulentes Majori & Ballivis noſtris Oxoniæ ad pacem noſtram conſervandam, ad aſſizas dictæ villæ cuſtodiendas,& ad inveſtigandum Malefactores & Perturbatores pacis noſtræ, & vagabundos de nocte & Receptores Latronum & Malefactorum, & corporale præſtent ſacramentum, quòd omnia prædicta fideliter obſervabunt. In qualibet autem parochiâ villæ Oxon.ſint duo homines electi de legalioribus parochianis, & jurati quòd in quâlibet Quindenâ inquirent diligenter, ne quis ſuſpectus hoſpitetur in parochiâ, & ſi aliquis receptaverit aliquem per tres noctes in domo ſuâ, reſpondeat pro eo. Nullus Regratarius emat victualia in villâ Oxon. vel extra villam verſus villam venientia, nec aliquid emat, nec iterum vendat ante horam nonam; & ſi fecerit, amercietur, & rem emptam amittet. Si Laicus inferat Clerico gravem vel enormem læſionem, ſtatim capiatur; & ſi magna ſit læſio, incarceretur in caſtro Oxoniæ, & ibi detineatur, quouſque Clerico ſatisfiat, & hoc arbitrio Cancellarii Univerſitatis Oxon. ſi Laicus protervus fuerit; ſi minor vel levis ſit injuria, incarceretur

carceretur in villâ. Si Clericus inferat gravem & enormem læſionem Laico, incarceretur in prædicto caſtro, quouſque Cancellarius prædictæ Univerſitatis ipſum poſtulaverit. Si minor vel levis injuria, incarceretur in carcere villæ, quouſque liberetur per Cancellarium. Piſtores & Braciatores Oxoniæ in primo tranſgreſſu ſuo non puniantur; ſed in 2do tranſgreſſu habeant judicium de Pillorio. Quilibet Piſtor habeat ſigillum ſuum & ſignet panem ſuum, per quod poſſit cognoſci cujus panis ſit. Quicunque de villâ braciaverit ad vendendum, exponat ſignum ſuum, alioquin amittat Cerviſiam. Vina Oxon. communiter vendantur indifferenter tam Clericis quàm Laicis, ex quo imbrochiata fuerint. Tentatio panis fiat bis in anno, viz. in quindenâ poſt feſtum Sancti Michaelis, & circa feſtum Sanctæ Mariæ in Martio, & Aſſiza fiat eiſdem terminis ſecundùm valorem Bladi & Braſii, & quotieſcunque debeat fieri tentatio panis & cerviſiæ, interſit Cancellarius prædictæ Univerſitatis, vel aliqui ex parte ſuâ ad hoc deputati, ſi ſuper hoc requiſiti intereſſe voluerint; quod ſi non interſint, nec ſuper hoc requiſiti fuerint, nihil valeat tentatio prædicta. In cujus rei teſtimonium, has literas noſtras eidem Univerſitati fieri fecimus patentes. Teſte Meipſo apud Woodſtock, 18vo. die Junii, anno regni noſtri 39°.

Breve Regis Henrici Majori & Ballivis Northampton tranſmiſſum.

REX dilectis & fidelibus ſuis Majori & Ballivis, & cæteris probis hominibus ſuis de Northampton, ſalutem. Cùm quidam Magiſtri & alii Scholares proponant in Municipio morari ad ſcholaſticam diſciplinam ibidem exercendam *Anno* 1260.

ercendam (ut accepimus) nos cultum divinum & regni noſtri utilitatem majorem ex hoc attendentes, adventum prædictorum Scholarium & moram ſuam ibidem acceptamus. Volentes & concedentes quòd prædicti Scholares in Municipio prædicto ſub noſtrâ protectione & defenſione, ſalvò & ſecurè morentur, & ibidem exerceant & faciant ea quæ ad hujuſmodi Scholares pertinent. Et ideò vobis mandamus firmiter præcipientes, quod ipſos Scholares cùm ad vos venerint commoraturi in municipio prædicto, recommendatos habentes, ipſos curialiter recipiatis, & prout ſtatum decet ſcholaſticum tractetis; non inferentes eis vel inferri permittentes impedimenta, moleſtiam, aut gravamen. In cujus rei teſtimonium, &c.

Subſcriptio.

Et mandatum eſt univerſis Magiſtris & aliis Scholaribus venturis ad municipium prædictum, quòd Rex adventum ipſorum in Municipium prædictum, ad Scholaſticam diſciplinam ibidem exercendam affectat. Et Rex vult & concedit, quòd ſub ſuâ protectione & defenſione, ſalvò & ſecurè morentur in Municipio prædicto, & ibidem exerceant & faciant quæ ad ipſos pertinent.

Breve ſeu Præceptum Henrici III. *Majori & Civibus Northampton.*

Anno 1264. REX Majori & Civibus Northamptoniæ ſalutem. Cùm occaſione cujuſdam magnæ contentionis triennio jam elapſo ſubortæ, nonnulli Clericorum tum ibidem ſtudentium unanimiter ab ipſâ villâ receſſiſſent ſe uſque ad villam

lam noſtram Northamptoniæ transferentes, & ibidem ſtudiis inhærendo, novam conſtruere Univerſitatem cupientes, Nos illo tempore credentes villam illam ex hoc poſſe meliorari, & nobis utilitatem non modicam inde pervenire, votis dictorum Clericorum ad eorum requiſitionem annuebamus in hac parte: Nunc autem cùm ex relatu multorum fide dignorum veraciter intelleximus, quòd ex hujuſmodi Univerſitate (ſi permaneret ibidem) municipium noſtrum Oxon. quod ab antiquo creatum eſt, & à progenitoribus noſtris regibus Angliæ confirmatum, ac ad commoditatem ſtudentium communiter approbatum, non mediocriter læderetur, quòd nullâ ratione vellemus, maximè cùm univerſis Epiſcopis terræ noſtræ ad honorem Dei, & utilitatem Eccleſiæ Anglicanæ, & profectum ſtudentium, videatur expedire, quòd Univerſitas amoveatur à villâ prædictâ, ſicut per literas ſuas patentes accepimus, vobis de conſilio Magnatum noſtrorum firmiter inhibemus, ne in villâ noſtrâ Northampton. aliquam Univerſitatem eſſe, nec aliquos ibidem ſtudentes manere permittatis, &c. Dat. 1mo die Feb. anno regni 49.

Rob. Groſthead Commiſſio Officiali ſuo R. de Mariſco, &c.

R. Dei Gratiâ Lincoln. Epiſcopus, dilecto in Chriſto filio Magiſtro R. de Mariſco Canonico Lincoln. Officiario ſuo ſalutem, gratiam, & benedictionem. Scripſerunt nobis dilectus in Chriſto filius Cancellarius, & Univerſitas Oxon. quòd die Apoſtolorum Philippi & Jacobi quidam de Burgenſibus Oxon. cuidam ſcho-

ſcholari nobili & bonæ converſationis tranſeunti ſerò per Eccleſiam S. Martini Oxon. obviantes, ſinè cauſâ, vel commiſſo, ſicut dicitur, plagas horribiles & mortales intulerunt, qui cùm niteretur evadere, carnifices & quidam alii cùm fruſtis carnium, & inteſtinis, ac ſuis ſpurcitiis eundem fædaverunt, & alii contumeliis ipſum affectum lapidibus obruerunt, ita quòd in oſtium Eccleſiæ *Omnium Sanctorum* ſemianimis cecidit, & in domum ſuam pendulis brachiis bajulatus, die tertiâ ſummo manè miſerabiliter expiravit. Ballivi quoque villæ prædictæ remedium in hâc parte non adhibentes, dictos occiſores per vicos incedere publicè, ſicut dicitur, more ſolito colloquentes eiſdem permiſerunt, quouſque dictus Clericus expirâſſet, adhuc eoſdem nocentes ad Eccleſiam B. Martini, ubi ſalvò tutéque reſident, cum armis conduxerunt; propter quæ Univerſitas prædicta taliter eſt commota, quòd ab omnibus Lectoribus tam ordinariis quàm extraordinariis ceſſantes, juraverunt, quòd ni competens in hâc parte vindicta ſumatur, cùm ſæpius conſimile contigerit, nec hucuſque vindicatum fuerit, omnino à ſtudio Oxon. recedent, nec permittunt corpus dicti Clerici ſepulturæ tradi, ſed ad hujuſmodi facti memoriam corpus inhumatum reſervant, quouſque à Domino Rege, & à Nobis, reſponſum optatum receperint. Et quòd nec de veritate hujuſmodi facti nobis priùs legitimè conſtaret, in perſonam alicujus, aut Comitatum, certam non poſſemus condemnationis alicujus ferre ſententiam, Vobis mandamus, quatenus ſine quolibet moræ diſpendio ad villam Oxon. perſonaliter accedentes, ſummam excommunicationis in genere in omnibus & ſingulis Eccleſiis ejuſdem villæ candelis accenſis & pulſatis campanis ſolenniter & publicè promulgari faciatis in omnes illos, qui

qui pacem Eccleſiæ & Univerſitatis prædictæ perturbantes, in dictum Clericum manus violentas injecerunt, & ictus & plagas mortales eidem intulerunt, ac opem, conſilium, favorem aut conſenſum tam enormis facti perpetrationi impenderunt. Poſtmodum verò, aſſumptis vobiſcum viris diſcretis, ac Deum timentibus, vocatis vocandis per viros fide-dignos, idoneos & juratos, diligentem & exactiſſimam faciatis ſuper præmiſſis inquiſitionem, quâ quidem ſolenniter publicatâ, & compoſitione inter Univerſitatem & Burgenſes per bonæ memoriæ Dominum *N. Tuſculanenſ.* Epiſcopum Apoſtolicæ ſedis Legatum dudum factâ, quæ reſidet apud *Oſneium*, diligenter inſpectâ, quos ſecundùm dictam inquiſitionem dicti facinoris reos inveneritis, unà cum fautoribus & auctoribus eorum, vice & authoritate noſtrâ, habito virorum ſapientum conſilio, animadverſione canonicâ taliter puniatis, quòd tam proceſſus veſter in hâc parte, quàm veſtra demum de eâdem ſententia definitiva, canonicis undique fulciatur inſtitutis, voſque propter hoc tam à Deo quàm ab hominibus meritò poſſitis & debeatis propenſiùs in domino commendari. Datum apud Parcum *Stow*, 8. Id. Maii, Pontificii noſtri anno 13.

Exemptio Scholarium Oxon. à Juriſdictione Archiepiſcopali & Epiſcopali per Bonifacium Octavum.

BOnifacius ſervus ſervorum Dei, ad perpetuam rei memoriam: Dignum cenſemus ut perſonis literarum ſtudiis inſiſtentibus, per quas divini hominis, & fidei Catholicæ cultus protenditur, juſtitia colitur, tam publica quàm privata *Anno Dom.* 1300.

privata res geritur utiliter, omniſque proſperitas humanæ conditionis augetur, favores gratioſos & opportuna commoditatis & libertatis auxilia liberaliter impendamus: Exhibita ſiquidem nobis pro parte dilectorum filiorum Cancellarii, Magiſtrorum, Doctorum & Scholarium Univerſitatis Studii Oxon. Lincoln. Diœceſis, petitio continebat, quòd olim nonnulli claræ memoriæ reges Angliæ, qui fuerunt pro tempore, pro majori pace, quiete & tranquillitate ſtudentium in eodem ſtudio ipſis Magiſtris, Doctoribus & Scholaribus nonnulla privilegia per clariſſimum in Chriſto filium noſtrum regem Angliæ illuſtrem poſtmodum confirmata, & inter alia conceſſerunt, quòd Cancellarius dicti ſtudii pro tempore exiſtens haberet omnimodam quorumcunque contractuum vel quaſi factorum, necnon punitionem ſeu correctionem delictorum commiſſorum pro tempore, infra limites Univerſitatis prædictæ, ubi ſaltem altera partium, ſcholaris vel ſerviens ejus, aut aliàs, juriſdictioni Domini Cancellarii ſubjectus eſt; ita quòd nullus ſcholaris præfati ſtudii, vel ſerviens ipſius, ſeu de hujuſmodi juriſdictione Domini Cancellarii exiſtens, occaſione præmiſſorum, vel alicujus eorundem, etiam per brevia regia, extra Univerſitatem præfatam trahi poſſet; tribus caſibus, videlicet Homicidio, Mutilatione, & libero Tenemento duntaxat exceptis: quodque Magiſtri, Doctores & Scholares, vigore conceſſionum hujuſmodi, in pacificâ poſſeſſione vel quaſi privilegiorum fuerint à tempore cujus contrarii memoria non exiſtit. Quare pro parte Magiſtrorum, Doctorum, & Scholarium præmiſſorum, Nobis humiliter fuit ſupplicatum, ut iis ſimilem conceſſionem facere, eoſque ab omni juriſdictione, dominio & poteſtate quorumcunque Archi-

Archiepiſcoporum, Epiſcoporum, & aliorum Judicum ordinariorum eximere, de dignitate Apoſtolicâ dignaremur: Nos igitur hujuſmodi ſupplicationibus inclinati, ſcholares & alias perſonas juriſdictioni Cancellarii dicti ſtudii pro tempore exiſtentis ſubjectos, in ipſo ſtudio pro tempore degentes, etiamſi fuerint in ſacris ordinibus conſtituti, ſeu Beneficia Eccleſiaſtica obtineant, aut quorumcunque ordinum etiam Mendicantium vel aliàs ſede Apoſtolicâ exempti fuerint, quamdiu in dicto ſtudio degerint, ab omni juriſdictione, dominio, vel poteſtate quorumcunque Archiepiſcoporum, etiam Legatorum natorum dictæ ſedis, necnon Epiſcoporum & aliorum ordinariorum judicum, quoad contractuum initorum vel quaſi nec non exceſſuum, criminum & delictorum infra hujuſmodi limites præfatæ Univerſitatis commiſſorum cognitionem, & ipſorum exceſſuum ac delictorum & contractuum, vel quaſi correctionem & punitionem, unà cum ipſo Cancellario, quoad præmiſſos duntaxat non, ut præfertur, exceptos caſus & omnes actus ſcholaſticos authoritate Apoſtolicâ tenore præſentium eximimus & totaliter liberamus, ipſos ſcholares & perſonas alias, quamdiu in præfato ſtudio, ut præfertur, degerint, prædicto Cancellario ſubjicimus: ita quòd idem Cancellarius de contractibus initis, ac de exceſſibus delictorum, & criminibus commiſſis per ſcholares & alias perſonas hujuſmodi, cognoſcere, & punire, & omnimodam juriſdictionem etiam eccleſiaſticam & ſpiritualem in eoſdem ſcholares, & perſonas alias exercere, liberè & licitè valeat, ſecundum ſtatuta & privilegia & conſuetudines prælibati ſtudii fælicis recordationis Innocentii Papæ quarti, Prædeceſſoris noſtri, circa exemptos edicta, quæ incipit, Volentes, & aliis conſtitutionibus Apoſtolicis con-

contrariis non obſtantibus quibuſcunque. Nos enim Excommunicationem & Interdicti ſententias, & quoſcunque proceſſus, quas & quos, contra præfatum Cancellarium & ſcholares, & alias perſonas dicti ſtudii, contra tenorem & formam exemptionis & liberationis promulgari & haberi contigerit, decrevimus irritos & inanes: juriſdictione tamen & poteſtate Cancellarii & Univerſitatis, ac Collegiorum ejuſdem ſtatutis & conſuetudinibus, privilegiis & libertatibus, illis præſertim quibus caveri dicitur, quod in præmiſſis Procuratores & Congregatio Magiſtrorum dictæ Univerſitatis in hujuſmodi Cancellarium juriſdictionem habeat, in omnibus ſemper ſalvis: Nulli ergo omnino hominum liceat hanc paginam noſtræ exemptionis, liberationis, ſubjectionis & conſtitutionis infringere, vel ei auſu temerario contraire: ſiquis autem hoc attemptare præſumpſerit, indignationem omnipotentis Dei & beatorum Petri & Pauli Apoſtolorum ejus ſe noverit incurſurum. Dat. Romæ apud ſanctum Petrum, ſecundo Idus Junii, Pontificatûs noſtri anno ſexto.

Bulla Johannis 21mi Papæ ad Cantabrigienſes.

Ann. 1318. JOhannes Epiſcopus, ſervus ſervorum Dei, dilectis filiis Univerſitatis Cantabrigiæ, Elienſis Diœceſis, ſalutem & Apoſtolicam benedictionem. Inter ſingula quæ gratâ nos oblectatione lætificent, grandi cor noſtrum reficitur gaudio, & lætitiâ exultat exoptatâ, cùm eos qui cœleſti ſunt providentiâ prædíti ad populorum regimen & regnorum, ad communem ſubjectorum ſuorum profectum intentos aſpicimus,

mus, ipsosque ad publicæ utilitatis bonum sollicitos: sanè chariſſimus in Chriſto filius noſter Edvardus rex Angliæ illuſtris prudenter attendens quòd multitudo ſapientum, ſalus eſt regnorum, quodque non minus prudentum conſilio, quàm fortium ſtrenuitate virorum, regentium & regnorum moderamina diſponantur, apud Cantabrigiam Elienſis Diœceſis locum, in regno ſuo multis commoditatibus prædituṁ & inſignem, deſiderat vigere ſtudium generale, & quod à Doctoribus & docendis in poſterum frequentetur, humiliter poſtulavit à nobis ut ſtudium ab olim ibi ordinatum, & privilegia à Romanis Pontificibus prædeceſſoribus noſtris, vel regibus qui fuerint pro tempore eidem conceſſa, Apoſtolico curemus munimine roborare. Nos igitur ſuæ intentionis propoſitum, dignis in Domino laudibus commendantes, ejuſque ſupplicationibus inclinati Apoſtolicâ authoritate ſtatuimus ut in prædicto loco Cantabrigiæ, ſit de cætero ſtudium generale. Volentes authoritate prædictâ, & etiam decernentes, quòd Collegium Magiſtrorum & Scholarium ejuſdem ſtudii, Univerſitas ſit cenſenda, & omnibus juribus gaudeat, quibus gaudere poteſt & debet Univerſitas quæcunque legitimè ordinata: cæterùm omnia privilegia & indulta, prædicto ſtudio rationabiliter à Pontificibus & Regibus prædictis conceſſa, authoritate prædictâ confirmamus. Nulli igitur omnino liceat hanc paginam noſtri ſtatuti, voluntatis, conſtitutionis & confirmationis infringere, vel auſu temerario contraire: Siquis autem hoc attemptare præſumpſerit, indignationem omnipotentis Dei, & beatorum Petri & Pauli Apoſtolorum, noverit ſe incurſurum. dat' Avinionæ 5to Idus Julii, Pontificatûs noſtri anno 2do.

Charta Edvardi II. *pro mutuâ Oxoniensis & Parisiensis studii societate.*

Ibid. M. 13. *N.* 23.

SAnctissimo in Christo Patri Johanni divinâ providentiâ sacrosanctæ Romanæ ac universalis Ecclesiæ summo Pontifici, Edvardus eâdem gratiâ rex Angliæ, Dominus & Dux Aquitaniæ devota pedum oscula beatorum. Sanè intellexímus hanc dudum à fælicis memoriæ Domino † Bonifacio Papâ 8vo Prædecessore vestro Universitatibus regni Franciæ gratiam fuisse concessam, ut omnes qui gradum Magistralis honoris in quacunque facultate assecuti fuerint, in iisdem possint ubique terrarum lectiones resumere & easdem continuare pro suæ libito voluntatis, absque novæ examinationis vel approbationis præludiis, seu debito iterandi principii aut petendæ gratiæ cujuscunque. Verum quia dubium non est (secundum veterum testimonia scripturarum) Gallicanum studium ab Anglicanis nostris originale traxisse principium, constatque talem Apostolicæ dispensationis gratiam, in Anglicani studii redundare dispendium, si Universitas nostra Oxon. cum prædictis Universitatibus regni Fran-

† Inter eximia gratiarum donaria quibus regnum nostrum Angliæ manus altissimi mirificè stabilivit, summo meretur attolli præconio & favoris cujuslibet insigniri præsidio sublimis illa sapientialis studii dignitas, quæ in Oxon. Universitate continuatis viget successibus & floruit ab antiquo. Ipsa namque ut mater fœcunda prolem innumeram procreare non desinit, cujus scientialis claritas cæteros irradiat & illustrat. Ipsa etiam velut vitis fructifera palmites suos circumquaque diffundit, qui sitibundis ecclesiæ filiis salutaris doctrinæ pocula copiosè ministrant, & de virtutum celario totam lætificant domum Dei.

ciæ

ciæ in libertatibus & ſcholaſticis actibus non concurrat, ſanctitati veſtræ affectuoſâ inſtantiâ ſupplicamus, quatenus ad pacem mutuam inter viros ſcholaſticos nutriendam, Univerſitatem prædictam Oxon. conſimili velitis privilegio decorare: Nos ſiquidem gauderemus ſi in noſtri & Univerſitatis noſtræ prædictæ favorem, quod à providentiâ veſtrâ depoſcimus, exaudiretis gratioſè: quia valdè nobis moleſtum foret, ſi tanta Univerſitas aliqua noſtris adverſa temporibus pateretur, aut ad inſolitam ſervitutem redigeretur. Conſervet, &c. teſte Rege apud Weſtm. viceſimo ſexto die Decembris.

Ibid. pro Magiſtro Johanne Lutterell, Cancellar. Univerſitatis Oxon.

SAnctiſſimo in Chriſto Patri (ut ſupra) devota pedum oſcula beatorum. Dilectum Clericum noſtrum Magiſtrum Johannem Lutterell ſacræ Theologiæ Doctorem, Cancellarium Univerſitatis Oxon. veſtræ ſanctitati pleno commendamus affectu, rogantes quatenus eidem Clerico noſtro in negotiis ex parte ipſius veſtræ ſanctæ paternitati plenius exponend' gratiæ ſinum aperire, voſque ſuper felici expeditione eorundem reddere dignemini gratioſos. Conſervet vos, &c. Teſte Rege apud Windeſ. 27° die Decembris.

Breve Edvardi II. *Vice-com. Oxon. de Prædicantibus, &c.*

Clauſ. 12. E. II. intus pro Cancellar. & Univerſitate Oxon.

REX Vic. Oxon. ſalutem. Petitionem dilectorum nobis Cancellarii & Univerſitatis villæ Oxon. coram nobis in Conſilio noſtro in præſenti Parliamento noſtro apud Ebor. convocato, exhibitam recipimus, continentem, quod cum dictus Cancellarius per chartas progenitorum noſtrorum quondam Regum Angliæ, habeat cogniti-

ones de quibuſcunque tranſgreſſionibus infra villam prædictam & ſuburbium ejuſdem ſcholaribus ſeu Clericis ejuſdem villæ, aut per ipſos ſcholares ſeu Clericos aliis factis, exceptis Mortis & Mahemii, & idem Cancellarius pacem noſtram ibidem manutenere debeat & conſervare, tanquam Miniſter noſter: ipſeque & Prædeceſſores ſui in officio illo cognitiones hujuſmodi virtute Chartarum prædictarum, exceptis Mortis & Mahemii, habere, & pacem noſtram ibidem tanquam Miniſtri noſtri conſervare conſueverint temporibus retroactis. Fratres tamen Prædicatores in eâdem villâ commorantes, de tranſgreſſionibus per ipſos ibidem perpetratis ſe per præfatum Cancellarium juſtitiari non permittunt, prætendentes ſe per privilegia Papalia ab ejuſdem Cancellarii juriſdictione liberos debere eſſe & immunes, unde frequenter in eâdem Univerſitate tumultus oritur, & contentiones variæ ſuſcitantur, & tranquillitas Univerſitatis prædictæ plurimùm conturbatur. Super quo petierunt per nos congruum remedium adhiberi. Nos itaque attendentes ea quæ ad juriſdictionem noſtram ſpectant temporalem: Maximè in his quæ ad conſervationem pertinent pacis noſtræ, per privilegia Papalia non debere nec poſſe diminui ſeu etiam aboleri; tibi præcipimus, quòd non obſtantibus privilegiis prædictis, præfato Cancellario qui nunc eſt, vel qui pro tempore erit, in his quæ ad cognitionem ſeu punitionem tranſgreſſionum prædictarum & conſervationem pacis noſtræ pertinent, pareas & intendas, prout hactenus fieri conſuevit. Teſte Rege apud Ebor. 24° die Novembris.

Per Petitionem de Conſilio.

Epiſtola

Epiſtola Edvardi 2di Regis Angliæ Johanni ſummo Pontifici.

SAnctiſſimo in Chriſto Patri Domino Johanni divinâ providentiâ ſacroſanctæ Romanæ & univerſalis Eccleſiæ ſummo Pontifici, Edvardus ejuſdem gratiâ Rex Angliæ, Dominus Hiberniæ, & Dux Aquitaniæ, devota pedum oſcula beatorum. De fructu ſalutari qui ex Univerſitate Oxon. infra regnum noſtrum & ibidem ſtudentibus, ad exaltationem Eccleſiæ & conſolidationem ac augmentationem fidei catholicæ, nec non ad noſtri & dicti regni laudis præconium & utilitatum incrementa indies creſcit & multiplicat, gaudere decet eccleſiam, & præ cæteris *Anglicanam*; ex eo etiam quod idem regnum noſtrum decoratur Jocali tam nobili, collectamur; deſiderantes eandem Univerſitatem, quæ regiam magnificentiam multipliciter honorat, & eo prætextu in regiâ benevolentiâ recumbit ſpeciali, noſtris interceſſionibus apud veſtram Beatitudinem favoribus propitiis attolli, & utilibus gratiis communiri. Quocirca Sanctitati veſtræ humiliter ſupplicamus quatenus in his quæ Cancellarius, Magiſtri & Scholares Univerſitatis prædictæ erga veſtram clementiam pro honore & commodo ejuſdem Univerſitatis habuerunt proſequend' eis dignemini ſinum liberalis gratiæ aperire, & ſupplicand' gratioſius exaudire. Conſervet vos altiſſimus per tempora proſpera & longæva. Dat' apud Leiceſt. 13° die Julii, anno regni undecimo.

Rot. Rom. an. 11. E. 2. M. 14. intus pro Univerſitate Oxon.

The Order of Edw. III. *commanding the Friars to renounce and ſuſpend the Execution of all Papal Bulls.*

Parl. 40. *Ed.* 3. *Num.* 9, 10, 11.

ET iſſint meſme le lendemain les Univerſiteez de Oxenford & Cantebrigg, & les Freres de quadre ordres Mendicantz compleinantz par lour Peticions mis devant le Roy en Parlement, ſur diverſes outrages, debatz, damages & Meſchiefs faitz & attemptez d'un part & d'autre, les Chancellers & Procurours des ditz Univerſiteez, & les Provinciales & Miniſtres des ditz Ordres adonqes preſentz, & ſoi ſubmittantz de tout en l'Ordinance du Roi; Eſtoit aſſentu & ordeine par le Roi de l'Aſſent des Prelatz, Ducs, Countes & Barons, ſur les ditz debatz, damages, outrages & Meſchiefs de tout ouſter & adnuller en manere deſouth eſcrite. Noſtre Seignur le Roi en ce Parlement eue Deliberacion plein & avys oue les Prelatz, Grantz, & Sages de ſon Counſeil, ſur diverſes grevances, outrages, controverſes & debatz mevez perentre les Univerſiteez de Oxenford & Cantebrigg d'un part,& les quadre Ordres de Freres Mendicantz d'autre part: & monſtrez a lui per lour Peticions en meſme Parlement ſur pluſeurs Pointz de Privileges & Immunitez clamez d'un part & d'autre, en preſence des Chancelliers & Procurours des ditz Univerſiteez,eantz plein pouir de ditz Univerſiteez, & de Provinciales & Miniſtres de ditz Ordres,eantz plein pouir de ditz Ordres, & eux ſubmittantz de lour bon gree en haut & bas, & ſanz aſcun retenue ou Reſervacion al Ordinance noſtre dit Seignur le Roi, des pointz de grevances, controverſes & debatz, mues

mues entre eux celle partie de l'aſſent des ditz Prelatz, Nobles, Grantz & Sages, en meſme le Parlement, pur aiſe, quiete & tranquillite des ditz Univerſiteez, & des Eſtudientz en ycelles, ad ordeine, voet & commande, que les Chancellers des ditz Univerſiteez, Maiſtres, Regentz & Non-regentz, & toutz autres des ditz Univerſiteez, les Freres des ditz Ordres illeoqes demurrantz & a demurrer, tretent & amenent en graces & toutes autres choſes que touchent fait deſcoler, & les Freres enſement ce cient & contienent devers les Univerſiteez & cheſcune perſone d'ycele honeſtement, ſaunz rumour, & amiablement en toutes choſes, ſolone ce & en manere come ſoloient & feſoient devant l'Eſtatut fait nadgairs en les ditz Univerſiteez conteinent, que nul des ditz Ordres recevroit en lour ditz Ordres Eſcolers de les ditz Univerſiteez deinz l'age de 18 anns, quele Eſtatut le Roi voet que ſoit ouſtez & tenu pur nul. Et que nul novel Eſtatut ſembleable, ou Ordinance ſoit fait en meſmes les Univerſiteez qui ſoit prejudiciele as avantditz Freres ſaunz bon & mature deliberacion. Et auſſi voet le Roi, que l'Execucion de touz les Impetracions des Bulles & Proces, faitz ou purſuite ou affaire ou purſuer en temps avenir en la Court de Rome, & aillours par les Freres des ditz Ordres, ou nul perſone ſingulere de ycelles en general ou eſpecial, countre la dite Univerſitie, ou aſcune perſone d'ycelle, puis la feſance du dit Eſtatut, ceſſe de tout, & ſoit mys a neant. Et enſement, que meſmes les Freres renoncien de fait & parole a tout avantage que prendre peuſſent per vertu de touz tieux impetracions faitz per eux ou nul de eux contre les ditz Univerſiteez, ou aſcune perſone d'ycelles, en general ou eſpecial, & proces ſi nul ſoit

commence ou fait, celle partie ſur meſmes les Impetracions puis la dite Ordinance de l'Eſtatut fait per les ditz Univerſiteez, encea de tout ceſſent & perdent force & vigour.

Prohibitio Regis, Archiepiſc. &c. de Collegiis viſitandis.

Pat.17. Ric.2. Pars 1. M.27. Dorſ. de Prohibitione Oxon.

REX Archiepiſcopis, Epiſcopis, Abbatibus, Prioribus, Decanis, Archidiaconis, Offic. Cancellar. Præcentoribus, Præpoſitis, Sacriſtis, Præbendariis in Eccleſiis Cathedralibus ſivè Collegiatis,& omnibus aliis perſonis Eccleſiaſticis in quâcunque dignitate vel officio conſtitutis, nec non notariis publicis quibuſcunque ad quos &c. ſalutem. Cum in ſtatutis & ordinationibus Collegii vocati *La Queenhalle* in Oxon. quod de noſtro patronatu exiſtit, *inter cætera contineatur*, quòd Archiepiſcopus Eborum pro tempore exiſtens ſtatum Collegii prædicti ſupervidere, Præpoſitumque ejuſdem cùm electus fuerit, confirmare, & in quibuſdam caſibus deponere,ac diſcordias & contentiones omnimodas ibidem quæ per Præpoſitum & Scholares Collegii prædicti commodè ſedari non poſſunt, cenſere debet & terminare. *Ac jam Archiepiſcopus & Prædeceſſores ſui à primævâ fundatione Collegii prædicti*, in poſſeſſione viſitationis & juriſdictionis ejuſdem, abſque eo, quòd aliquis ordinarius, niſi idem Archiepiſcopus & deputandi ab eodem, officium viſitationis ſive juriſdictionis, vel aliquam aliam Juriſdictionem ordinariam in Collegium prædictum ſeu Præpoſitum aut Scholares, ſeu Miniſtros ejuſdem hucuſque exercere conſueverat: Sunt nonnulli nitentes jus noſtrum regium enervare, ac * Coronam noſtram in hac parte exhæredare, nec non ſtatuta & ordinationes hujuſmodi

* *Nota.*

hujuſmodi annullare, & ipſum Archiepiſcopum & deputand' ab eodem quo minùs ipſi hujuſmodi juriſdictionem habere poſſint, impedire, quamplures proceſſus ad Collegium prædictum per alios quàm per prædictum Archiepiſcopum, ſeu deputandos ab eodem viſitari, & juriſdictionem ordinariam in prædictum, ac Præpoſitum & Scholares, nec non miniſtros ejuſdem exerceri faciend' proſecuti fuerunt, & indies proſequuntur, & ipſos Præpoſitum, Scholares, & Miniſtros eâ de causâ multipliciter inquietant & moleſtant minùs juſtè, *ut accepimus*, in noſtri contemptum & præjudicium, & † juris noſtri regii annullationem & Coronæ noſtræ exhæredationem, & juriſdictionis prædicti Archiepiſcopi annullationem manifeſtam: Nos jura Coronæ noſtræ regiæ, ac Juriſdictionem ipſius Archiepiſcopi in hâc parte illæſa obſervare, & hujuſmodi præjudicialibus obviare volentes, vobis & cuilibet veſtrum diſtrictè quo poſſumus prohibemus, ne quicquam in noſtri contemptum vel præjudicium, aut Coronæ noſtræ regiæ exhæredationem, ſeu juriſdictionis ipſius Archiepiſcopi in hâc parte annullationem ſeu derogationem, ſeu ipſorum Præpoſiti, Scholarium & Miniſtrorum in hâc parte, inquietationem ſeu moleſtationem cedere valeat, attemptetis, ſeu attemptare præſumatis quoviſmodo. Et ſiquid per vos vel aliquem veſtrûm in hâc parte minùs ritè attemptatum ſivè factum, id ſine dilatione aliquâ revocetis & revocari faciatis ſub periculo quod incumbit. In cujus, &c. T. Rege, apud Weſtm. 26 die Junii.

† *Nota.*

Breve

Breve Regis Cancellario Univerſitatis Oxon. de ſummonitione Doctorum, &c. ad examinandum errores & Hæreſes Wiclivii.

Clauſ. 19. Ric. 2. pars 1. M. 20. de quodam Libro vocat. Trialogus *examinando.*

REX Cancellario Univerſitatis ſuæ Oxon. ſalutem. Famâ celebri divulgante noſtris auribus jam noviter eſt intimatum, quòd quàm plures opiniones nephariæ & allegationes deteſtabiles in quodam libro ex compilatione Johannis Wyclif Trialogus vulgariter nuncupato, hæreſes & errores notoriè includentes, ac ſacris determinationibus & canonicis ſanctionibus ſanctæ Matris Eccleſiæ, & maximè conſecrationi ſacramentali multipliciter repugnantes, continentur & conſcribuntur, ex quorum publicatione & veſanâ doctrinâ populus Chriſtianus, qui ex allectione & inſtigatione latentis inimici pronior eſt ad malum quam ad bonum, & præſertim his diebus, quod abſit, infici poteſt, & per conſequens dampnabiliter labi & decidere in errores, unde non modicum eſſet condolendum. Nos zelo fidei Catholicæ, cujus † ſumus & erimus Deo dante Defenſores, ſalubriter commoti, nolenteſque hujuſmodi hæreſes aut errores infra terminos noſtræ poteſtatis, quatenus poterimus, ſuſtinere, imo pro eis penitus reſecandis & delendis brachium ſæculare apponere cupientes: *Vos in fide & ligeantiâ, quibus nobis tenemini ſub forisfacturâ omnium quæ nobis forisfacere poteritis, injungimus & mandamus*, quatenus omnes & ſingulos Doctores Theologiæ ejuſdem Univerſitatis, Regentes & non Regentes, ad certos dies eis per vos ex parte noſtrâ præfigendos & ſtatuendos, convocari, & librum illum in præſentiâ veſtrâ

† *Nota.*

ſtrâ & eorundem Doctorum præſentari, & publicè & expreſsè perſcrutari, perlegi & examanari, nec non quoſcunque hæreſes & errores quos vos in libro prædicto per vos & eoſdem Doctores reperiri contigerit, in ſcriptis redigi & intitulari faciatis, & Nobis de omnibus & ſingulis, quæ in præmiſſis ſenſeritis ſeu inveneritis, unà cum ſingulis atteſtationibus & opinionibus Doctorum prædictorum in Cancellariam noſtram ſub ſigillo veſtro diſtinctè & apertè ſine dilatione reddatis certiores, ut his inſpectis & maturè ponderatis, ulterius de aviſamento conſilii noſtri ordinare valeamus, prout pro fulcimento fidei catholicæ & defenſione regni noſtri fore viderimus ſalubrius faciendum. Teſte Rege apud *Ledes*, 18vo die Julii.

Per ipſum Regem & conſilium.

Aliud Breve Regis ad idem.

REX Cancellario Univerſitatis ſuæ Oxon. ſalutem. Cum, prout ex certâ relatione ſanè didicimus, quidam iniquitatis filii, ſuæ ſalutis immemores in Univerſitate prædictâ commorantes & ſcholatizantes, & præſertim Robertus Lychlade qui prophanè converſari permittitur in eâdem, opiniones nepharias ac concluſiones & allegationes deteſtabiles fidei Catholicæ multipliciter repugnantes in Univerſitate illâ ac aliis locis clandeſtinis diu publicaverint, communicaverint, & docuerint, & tanquam Zizania in populo ſeminaverint, & adhuc publicare, communicare & docere intendunt dampnabiliter & iniquè, in fidei Catholicæ læſionem, & Univerſitatis prædictæ ſubverſionem evidentem, niſi brachio regiæ Majeſtatis citius reſiſtatur.

Ibid. M. 24. intus. De Lollardis & aliis Hæreſin prædicantibus extra Univerſitatem amovendis.

tur. Nos, ne populus regni noſtri (cujus regimen nobis ab alto committitur) per hujuſmodi opiniones nefarias, ac concluſiones & allegationes deteſtabiles, latentis inimici nequitiâ indies invaleſcente, quomodolibet inficiatur, deſiderantes Univerſitatem illam, quæ rore & deliciis ſcientiæ liberalis, & virtute hactenus potiſſimè reflorebat, ab hujuſmodi erroribus quatenus poterimus expurgari: Vobis præcipimus firmiter injungentes, quòd omnes & ſingulos Lollardos, & alios pravitate hæreticâ notoriè ſuſpectos, in Univerſitate prædictâ commorantes, & præſertim præfatum *Robertum*, ſi per inquiſitionem vel alio modo legitimo ipſum talem coram vobis reperiri contigerit, qui eandem Univerſitatem, tanquam ovis morbida, gregem inficere formidatur, ab eâdem Univerſitate amoveri & expelli, & rebelles quos in hâc parte inveneritis, coram nobis & conſilio noſtro de tempore in tempus duci faciatis, ut tunc pro eorum punitione ordinare valeamus, prout de aviſamento dicti conſilii noſtri fore viderimus ſalubriùs faciendum. Teſte Rege apud *Ledes*, 18° die Julii. Per ipſum Regem & Conſilium.

Charta Edvardi tertii Univerſitati Oxon. conceſſa, gerens dat. 27° Junii.

Pat. 29. Edv. 3. Num. 5. & in pix. N. N. in turri ſchol. Num. 5. a, b, c. & in A. fol. 13, &c. per mod. inſpex. & in B. 9. C. 87. eod. modo.

EDVARDUS Dei gratiâ, &c. Ordinamus & concedimus pro nobis & hæredibus noſtris, & in hâc chartâ noſtrâ confirmamus, quòd Cancellarius ipſius Univerſitatis, & ſucceſſores ſui, & eorum vices gerentes, ſoli & in ſolidum, & in perpetuum, in villâ Oxon. & ſuburbiis ejuſdem habeant cuſtodiam

diam Aſſizæ panis, vini & cervifiæ, ac correctionem & punitionem ejuſdem, cum finibus, amerciamentis & proficuis aliis provenientibus in hâc parte, reddendo nobis & hæredibus noſtris centum ſolidos annuatim, viz. 50 ſol. ad ſcaccariam noſtram Mich. & 50 ſol. ad ſcaccariam noſtram Paſchæ. Concedimus etiam quòd Cancellarius ſolus & in ſolidum, ac ſucceſſores ſui, &c. habeant cuſtodiam Aſſizæ & Aſſaiæ, nec non ſuperviſum menſurarum & ponderum in dictâ villâ Oxon. ac ſuburbiis ejuſdem: ita quòd ipſe Cancellarius, vel ejus vices gerens, quoties opus fuerit, dicta menſuras & ponderà ſupervideat, & ea quæ falſa invenerit, comburi & deſtrui faciat, nec non tranſgreſſores, quos in hâc parte invenerit, debitè puniat & caſtiget: ita tamen quòd forisfacturæ, & alia proficua inde provenientia liberentur, per extractas per dictum Cancellarium faciendas, Majori & Ballivis dictæ villæ, levandas per eos in auxilium firmæ ſuæ villæ prædictæ, ſicut & prout hactenus eſt obtentum.

Item concedimus eidem Univerſitati, quòd Cancellarius qui nunc eſt, & ſucceſſores ſui, vel eorum vices gerentes in perpetuum, ſoli & in ſolidum habeant poteſtatem inquirendi & cognoſcendi de Forſtallatoribus & Regratariis, Carnibus & Piſcibus putidis, vitioſis, & aliis incompetentibus, in dictâ villâ Oxon. & ſuburbiis ejuſdem, & ſuper his punitionem debitam faciendi: ſic tamen quòd forisfacturæ & amerciamenta inde provenientia per ipſum Cancellarium adjudicentur, & Hoſpitali noſtro ſancti Johannis dictæ villæ liberentur, prout eſt fieri conſuetum. Et licèt Major, Ballivi, Aldermanni, ſeu alii homines dictæ villæ & ſuburbiorum ejuſdem, de præmiſſis non debeant ſe intromittere; volumus tamen & mandamus, quòd

ſuper

ſuper his omnibus & ſingulis Cancellario dictæ Univerſitatis, qui pro tempore fuerit, pareant humiliter & intendant.

Item, Ad terrorem & vindictam malorum, ac ſecuritatem & ſolatium bonorum ibidem proficentium, ordinamus & concedimus pro nobis & hæredibus noſtris, quòd Cancellarius dictæ Univerſitatis, qui pro tempore fuerit, Scholares & Laicos ibidem contra ſtatuta Univerſitatis arma portantes & delinquentes, per incarcerationem & aliàs caſtigare debitè valeat, & punire; & arma, quæ ſic contra dicta ſtatuta portata fuerint, ut ſibi commiſſa & forisfacta, modo conſueto petere, capere & habere: ac hujuſmodi delinquentes obſtinatos & rebelles coram dicto Cancellario, in caſibus ad cognitionem ſuam ſpectantibus, comparere & juri ſtare non curantes, à dictis Univerſitate & Villâ bannire, & aliàs contra eos per cenſuras eccleſiaſticas procedere, prout in caſibus conſuetum eſt fieri temporibus retroactis.

Item, Cùm ad dictam Univerſitatem (ad quam tàm Nobilium quàm Popularium, alienigenarum & indigenarum, multitudo confluit) deceat munditia & honeſtas; volumus quòd careriæ & vici dictæ villæ, & ſuburbiorum ejuſdem, à fimis, ſordibus, & fætoribus, mundi conſerventur & honeſtè, amotis truncis, lignis, & aliis pro tranſitu libero, honeſtate & munditiâ nocituris: & quòd pavimenta dictæ villæ, & ſuburbiorum ejuſdem, ſemper, cùm & ubi opus fuerit, congruè reparentur; & quòd Cancellarius dictæ Univerſitatis, qui pro tempore fuerit, & ejus vices gerens, ad hoc homines dictæ villæ, & ſuburbiorum ejuſdem, & alios quibus incumbit, quos eidem Cancellario & ejus vices gerenti parere volumus in hac parte, poſſit per cenſuras eccleſiaſticas compellere, abſque

proficuo

proficuo ſuis uſibus applicando, & prohibitio noſtra ſeu hæredum noſtrorum, ſi contra præmiſſa facta fuerit, vires non habeat nec effectum.

Item, Cùm Laici plerunque ſicut Scholaribus, ſic & eorum ſervientibus, ſint infenſi; ordinamus & concedimus, & hâc chartâ noſtrâ confirmamus, pro nobis & hæredibus noſtris, quòd cùm miniſtri dictæ Univerſitatis, & ſervientes Clericorum, ad quotam aliquam ſolvendam de bonis ſuis in villâ prædictâ & ſuburbiis ejuſdem, aſſidendi fuerint vel taxandi, Cancellarius dictæ Univerſitatis, vel ejus vices gerens, & non Major ſeu homines dictæ villæ, dictos miniſtros & ſcholarium ſervientes, viz. familiares, ſcriptores, illuminatores pergamentarios, ad quotas hujuſmodi fideliter & rationabiliter, prout alii homines dictæ villæ & ſuburbiorum ejuſdem aſſeſſi fuerint, juxta quantitatem bonorum ſuorum taxabilium, in perpetuum aſſedeant atque taxent, & pecuniam ſic aſſeſſam per miniſtros ſuos levari faciant, Majori & Ballivis dictæ villæ per indenturam liberandam. Et ſi homines dictæ villæ de taxatione per prædictum Cancellarium malè factâ conqueſti fuerint, ſuper hoc per miniſtros noſtros celeriter inquiratur, & defectus, qui repertus fuerit, debitè corrigatur. Volumus autem & concedimus, quòd Cancellarii Univerſitatis prædictæ, qui pro tempore erunt, & eorum vices gerentes, præmiſſis omnibus, & ſingulis eis, in formâ prædictâ conceſſis, plenè, liberè & integrè gaudeant & utantur, juxta formam ordinationum & conceſſionum prædictarum, non obſtantibus privilegiis, libertatibus, conſuetudinibus, ſeu compoſitionibus contrariis quibuſcunque.

Item, Volentes indemnitati proſpicere ſcholarium, qui fuerunt in dictâ turbatione de bonis ſuis deprædati, qui forſan timore irregularitatis non audent

audent prosequi criminaliter contra deprædatores hujusmodi, pro recuperatione bonorum suorum sic furto vel vi ablatorum, concessimus de gratiâ nostrâ speciali, pro nobis & hæredibus nostris, quantum in nobis est, omnibus & singulis magistris & scholaribus dictæ Universitatis, & eorum servientibus, qui in dictâ turbatione bona sua sic furto vel vi amiserunt, quòd ipsi, vel Cancellarius & Procuratores dictæ Universitatis eorum nomine, absque inquietatione vel molestatione nostri, vel hæredum nostrorum, seu ministrorum nostrorum quorumcunque, bona sic furata vel deprædata, à dictis furibus seu deprædatoribus, vel aliis quibuscunque, ad quorum manus hujusmodi res pervenerint, licitè recipere & tenere possint, licèt contra dictos fures vel captores, ad pœnam sanguinis non fuerint prosecuti.

Item, Ad majorem securitatem & quietem studentium in Universitate prædictâ, pro perpetuo ordinamus & concedimus, pro nobis & hæredibus nostris, quòd quilibet Vicecomes Oxon. qui pro tempore fuerit, in receptione Commissionis suæ, juramentum præstet corporale, quòd magistros & scholares Universitatis Oxon. & eorum servientes, pro viribus, ab injuriis & violentiis proteget & defendat, & pacem in Universitate prædictâ, quantum in ipso est, faciat conservari, præfatis Cancellario & scholaribus, ad puniendum pacis perturbatores ibidem, juxta privilegia & statuta Universitatis prædictæ, semper cùm opus fuerit, præstabit consilium & juvamen, & ad privilegia, libertates & consuetudines dictæ Universitatis defendenda, pro viribus opem feret: & quòd à subvicecomite suo, & aliis ministris suis in comitatu prædicto, statim cùm post susceptum officium ad castrum vel villam Oxon. declinaverit, in

in præſentiâ alicujus ex parte Univerſitatis ad hoc deputandi, conſimile accipiet juramentum; ad quod, ipſos miniſtros per eundem Vicecomitem compelli volumus & arctari: hanc etiam formam jurandi volumus ex nunc addi formæ juramenti Vicecomitis dicti loci, in receptione commiſſionis ſuæ præſtar iconſueti.

Cæterùm quia ſuper pœnis pro ſecuriori conſervatione pacis ipſius Univerſitatis ſtatuendis, ac ſuper aliis, quæ juxta ſubmiſſiones prædictas, ad perpetuam præmiſſorum memoriam, piè per Dei gratiam facere proponimus, jam ordinare non poſſumus, variis & arduis negotiis præpediti, ordinationem hujuſmodi ſpecialiter reſervamus. His teſtibus, venerabilibus patribus, *Johanne* Archiep. *Eboracenſi*, *Angliæ* Primate, Cancellario noſtro; *Guliel. Wintonienſi* Epiſcopo, Theſaurario noſtro; Magiſtro *Michaele* de *Northburgh*, electo *London.* confirmato; *Henrico* Duce *Lancaſtriæ*; *Gulielmo* de *Bohun*, *Northamptonienſi*, *Rich. Arundell*, *Thomâ* de *Bello Campo*, *Warwicenſi*, *Rogero March*, *Guiliel. Sarum*, *Johanne* de *Veer*, *Oxon.* Comitibus; *Galfredo* de *Say*, & *Johanne* de *Grey* de *Rotherfeild*, Seneſchallo Hoſpitii noſtri; & aliis.

Epiſtola Edvardi III. *Regis Angliæ, Summo Pontifici, & Cardinalibus, &c.*

VEnerabili in Chriſto patri Domino H. Dei gratiâ S. Mariæ in Aquiro Diacono Cardinali, amico ſuo cariſſimo, Edvardus, &c. ſalutem & ſinceræ dilectionis affectum. Quò teneriùs diligimus Magiſtrorum & Scholarium Univerſitatis *Oxoniæ* tranquillitatem & quietem, ut

Rot. Romæ, An. 3. E. 3. m. 5. intus, pro Magiſtris & Scholaribus Univerſitatis Oxon.

ut literarum ſtudiis ſedulò inſiſtentes, in eccleſiâ Dei fructus afferant liberiores, ad illuminationem populorum temporibus opportunis; eò ſolertiùs agemus, ut ab eis cujuſlibet inquietudinis amoveatur occaſio, transferatur materia ſcandalorum. *Cùm itaque intelleximus*, quòd venerabilis pater Dominus Gaillairdus de Monte S. Luciæ in Cilice Diaconus Cardinalis, Archidiaconus Oxon. ipſos Magiſtros & Scholares, ſuper juribus & conſuetudinibus ſuis, quibus hactenus uſi ſunt in Univerſitate prædictâ, ut aſſeritur, per proceſſus varios hucuſque inquietavit, & adhuc inquietat: Noſque præmiſſam diſſenſionem moleſtè ferentes, Domino Summo Pontifici duximus ſupplicand. ut præfato Cardinali jubere dignetur, ipſumque inducere ſalubribus hortamentis, quòd omnino ſuperſedeat inquietationibus ſupradictis, vel ſaltem aſſenſum præbeat, quòd negotium illud aliquibus Prælatis de regno noſtro *Anglia* committetur audiend. & fine debito terminand. ne, quod abſit, propter vexationes nimias dictæ Univerſitati immineat diſperſio vel ruina. *Veſtram igitur paternitatem (de quâ confidimus) rogamus & requirimus ex affectu*, quatenus Univerſitatem prædictam recommendatam habentes, penes præfatum Dominum Summum Pontificem, nec non & penes ipſum Dominum Cardinalem inſiſtere velitis, modis quibus videritis expedire, ut, pro pace & quiete in dictâ Univerſitate confovendis, velint in præmiſſis condeſcendere votis noſtris. Dat. apud * Olthum 13° die Maii.

* *Eltham.*

Licentia

Licentia Ricardi II. *Scholaribus Juris Canonici & Civilis, ad celebrandas Conventiculas, &c.*

REX univerſis & ſingulis Doctoribus, Baccalaureis & Scholaribus juris Canonici & Civilis, in Univerſitate *Oxon.* ſtudentibus & degentibus, ſalutem. Ut pro communibus negotiis vos ac gradus & facultates veſtras concernentibus, in curiis noſtris regiis & alibi infra regnum noſtrum Angliæ proſequend. in Univerſitate prædictâ, in numero moderato, pacificè & abſque tumultu convenire, ac invicem ſuper negotiis illis communicare & tractare, conſiliaque veſtra in hâc parte inire & tenere, & procuratores veſtros ad negotia prædicta ritè & debitè proſequend. in formâ juris conſtituere & ordinare, quoties & quando vobis videbitur expedire, liberè & impunè valeatis, licentiam vobis tenore præſentium duximus concedend. aliquâ inhibitione noſtrâ de conventiculis, congregationibus ſeu confæderationibus illicitis, in Univerſitate illâ faciendis, vobis priùs factâ aut directâ, non obſtante. Dum tamen Cancellarius & Procuratores, ſeu alii miniſtri Univerſitatis prædictæ, in executione officiorum ſuorum ſecundùm ſtatuta & ordinationes dictæ Univerſitatis faciendâ, colore præſentis licentiæ noſtræ nullatenùs perturbentur, nec pax noſtra ibidem aliqualiter violetur. *Et hoc vobis, & omnibus aliis quorum intereſſe poterit, innoteſcimus per præſentes. In cujus, &c. Teſte Rege apud Weſtm.* 18° *die Feb.*

Pat. 8. *R.* 2. *m.* 35. *intus, pro Doctorib. Baccalaur. & Scholar. juris Can. & Civil.*

Pat. 8. E. 3. pars 2. dorſ. 23. de informatione capiendâ.

REX dilectis & fidelibus ſuis, venerabilibus patribus in Chriſto, Ricardo Epiſcopo Dunolm. Cancellario ſuo, Rogero Coven. & Lich. & Willielmo Norwicen. Epiſcopis, ſalutem. Petitio Cancellarii Univerſitatis noſtræ *Oxon.* coram Nobis & Conſilio noſtro in Parliamento noſtro exhibita, continebat; quòd in villâ *Oxon.* ubi Uiverſitas prædicta diu eſt, extitit & adhuc exiſtit, inter Scholares ejuſdem Univerſitatis, & eorum familiares & ſervientes, graves diſſenſiones & diſcordiæ ſubortæ fuerunt, & indies oriuntur; ex quibus pax noſtra læditur, & populus noſter partium illarum terretur, madaque alia innumera hactenus provenerunt, & proveniunt hiis diebus; & nihilominus veriſimiliter timetur quòd diſperſio Univerſitatis prædictæ inde proveniat, niſi citiùs ſuper hoc per Nos opponatur remedium opportunum. Nos *conſiderantes*, quòd per * Univerſitatem prædictam fides Chriſtiana defenditur & dilatatur, ac regnum noſtrum, ac incolæ ejuſdem regni multipliciter exornantur: Volenteſque dictam Univerſitatem & ad eandem declinantes & ibidem converſantes in pace & tranquillitate defenſare, & ſi quæ in contrarium attemptata fuiſſent, prout juſtum fuerit, punire; ac de veſtris fidelitate & circumſpectione providâ pleniùs confidentes, aſſignavimus vos, conjunctim & diviſim, ad informand. vos vel aliquem veſtrûm, per Cancellarium, Procuratores, Magiſtros, & Scholares Univerſitatis prædictæ, & aliis viis & modis quibus expedire videritis, ſuper diſſenſionibus & diſcordiis ſupradictis, & earum cauſis, & per cujus vel quorum culpam diſſenſiones illæ & diſcordiæ oriebantur; nec non ad tractand. cum eiſdem Cancellario, Procuratoribus, Magiſtris,

* *Nota.*

Magiſtris, & Scholaribus, ſuper diſſenſionibus & diſcordiis prædictis, qualiter, viz. ad majorem & perpetuam quietem & tranquillitatem Univerſitatis prædictæ ſopiri valeant, ſeu etiam reformari; & ad certificand. Nos de eo quod per vos in præmiſſis factum fuerit & tractatum; ita quòd Nos inde certiorati in præmiſſis, cum deliberatione providâ fieri faciamus quod Nobis & Conſilio noſtro fore videbitur faciend. *Et ideo vobis mandamus, quòd vos vel aliquis veſtrûm ad villam prædictam accedatis vel accedat, & ad certum diem, quem vos duo vel unus veſtrûm ad hoc provideritis vel providerit, præmiſſa omnia & ſingula fac. in formâ prædictâ*; non obſtantibus aliquibus libertatibus, privilegiis, aut ſtatutis: Innoteſcentes eiſdem Cancellario, Procuratoribus, Magiſtris, & Scholaribus, & aliis quorum intereſt, ex parte noſtrâ, quòd niſi à malis hujuſmodi ſe retrahant, & reformationi diſſenſionum & diſcordiarum prædictarum citiùs inclinent, ipſos & eorum quemlibet taliter puniri & caſtigari faciemus, quòd eorum punitio aliis cedet in terrorem & exemplum mala hujuſmodi futuris temporibus perpetrandi. Mandavimus enim Cancellario, Procuratoribus, Magiſtris, & Scholaribus Univerſitatis prædictæ, quòd in præmiſſis vobis duobus vel uni veſtrûm aſſiſtant, pareant & intendant. *In cujus, &c. Teſte Rege apud Weſtm. 20° Septembris.*

Per ipſum Regem & Conſilium.

Ibid. dorſ. 20. pro Cancellar. Procuratoribus & Scholaribus Univerſitatis Oxon.

REX Majori & Ballivis *Oxon.* ſalutem. Ex gravi querelâ Cancellarii, Procuratorum, & Scholarium Univerſitatis noſtræ *Oxon. intelleximus*, quòd quamplures malefactores & pacis noſtræ perturbatores, tam Scholares quàm alii, ad dictam villam & ejus ſuburbia frequenter accedentes, & in eiſdem commorantes, diverſas tranſgreſſiones ibidem hactenus perpetrârunt & perpetrant, & poſt tranſgreſſiones per ipſos ſic factas, infra villam prædictam, quandoque in ſuburbiis ejuſdem, & aliis locis vicinis, receptantur & hoſpitantur. Et licèt dicti Cancellarius & Procuratores frequenter vobis mandaverint, & penes vos cum diligentiâ fuerunt proſecuti, quòd ad hujuſmodi malefactores inſequend. arreſtand. & capiend. intendentes eſſetis, & auxiliantes; vos tamen quicquam ad hujuſmodi mandata facere neglexiſtis, per quod tranſgreſſiones ſic perpetratæ multoties impunitæ remanſerunt, & dicti tranſgreſſores ſibi audaciam aſſumpſerunt majora facinora perpetrandi, in ipſorum Cancellarii, Procuratorum, & Scholarium damnum non modicum & effectus, ſtudii retardationem, & populi noſtri partium illarum terrorem manifeſtum, unde perturbamur non immeritò & movemur: Nos hujuſmodi malitiis obviare, & tranſgreſſores prædictos, juxta eorum demerita in hac parte, caſtigari volentes, prout aſtringimur, & puniri; vobis præcipimus firmiter injungentes, quòd ad hujuſmodi tranſgreſſores in villâ prædictâ, & ejus ſuburbiis, tam infra libertates quàm extra, inſequend. arreſtand. & capiend. ſumpto ad hoc, ſi neceſſe fuerit, poſſe villæ prædictæ, intendentes ſitis & auxiliantes, quoties ſuper hoc per prædictos Cancellarium & Procuratores, qui pro

pro tempore fuerint, fueritis præmuniti. Scientes, quòd niſi præmiſſa in formâ prædictâ diligentiùs exequamini, diſſimulare nolumus; quin ad vos, tanquam mandatorum noſtrorum contemptores, & pacis noſtræ perturbatores, & malefactorum prædictorum manutentores, non immeritò capiemus. Mandavimus enim Vicecom. *Oxon.* & *Berkſ.* quòd ad malefactores prædictos, ubicumque in locis prædictis dictæ villæ *Oxon.* vicinis inventi fuerint, tam infra libertates quàm extra, inſequend. & capiend. quoties per præfatos Cancellarium & Procuratores requiſitus ſeu præmunitus fuerit, pareat & intendat, ſumpto ad hoc, ſi neceſſe fuerit, poſſe comitat. prædictorum. *In cujus, &c.* Teſte Rege apud Weſtm. 3° die Octobris.

Per ipſum Regem & Conſilium.

REX *Vicecom. Oxon. & Berkſ. ſalutem.* Cùm nuper ex gravi querelâ Cancellarii, &c. *ut ſupra mutatis mutandis, uſque ibi,* fuerint præmuniti; *tunc ſic.* Tibi præcipimus, quòd ad malefactores prædictos ubicunque in ballivâ tuâ inventi fuerint, tam infra libertates quàm extra, inſequend. & capiend. quoties per præfatos Cancellar. & Procuratores requiſitus ſeu præmunitus fueris, pareas & intendas, ſumpto ad hoc, ſi neceſſe fuerit, poſſe Comitat. prædictorum. *In cujus, &c. Teſte ut ſupra.*

REX Majori & Ballivis villæ ſuæ Oxon. ſalutem. Cùm diverſæ diſſenſiones & diſcordiæ nuper inter Scholares Univerſitatis villæ prædictæ, & eorum familiares ac ſervientes, in eâdem villâ exortæ, & homicidia, deprædationes & alia mala ibidem perpetrata fuiſſent; ac intellexerimus, quòd nonnulli Scholares, tàm, viz. illi qui poſt facinora & mala prædicta retraxerunt, quàm alii, ad eandem villam manu armatâ veniunt, & diverſas armaturas ſecundùm indies ducunt & duci faciunt, eaſdem armaturas in hoſpitiis ſuis detinentes, tam publicè quàm occultè, per quod timendum eſt, quòd mala pejora exinde poterunt de facili evenire. Nos volentes hujuſmodi malis, viis & modis quibus poterimus, præcavere, & quieti & tranquillitati Scholarium Univerſitatis prædictæ, & aliorum in eâdem villâ degentium, & ad eandem confluentium, providere: Vobis præcipimus firmiter injungentes, quòd ſtatim, viſis præſentibus, tam in villâ prædictâ, quàm in ſuburbiis ejuſdem, ubi expedire videritis, publicè proclamari, & ex parte noſtrâ firmiter inhiberi fac. ne qui Scholares, ſeu alii, ad dictam villam ſub colore ſtudendi venientes, armaturas aliquas ad villam prædictam deferant, ſeu deferri fac. aut eas in domibus aut hoſpitiis ſuis retineant; nec quòd aliqui de villâ & ſuburbiis prædictis, aut alii ad ea declinantes, armaturas aliquas Scholaribus prædictis, de præſtito, miniſtrent ſeu faciant miniſtrari, ſub pœnâ incarcerationis corporum ſuorum ad voluntatem noſtram, & amiſſionis armaturarum prædictarum: & de nominibus illorum, quos poſt proclamationem & inhibitionem prædictas contrarie inveneritis, facientes Nobis ſub ſigillis veſtris de tempore

tempore in tempus, diſtinctè & apertè conſtare fac. ut nos inde certiorati, eos juxta demerita puniri faciamus: Taliter in executione hujus Mandati noſtri vos habentes, quòd propter tepiditatem ſeu remiſſionem veſtras in hâc parte, non habeamus materiam ad vos graviter capiendi. *Teſte ut ſupra.*

Per ipſum Regem & Conſil.

REX Cancellario & Procuratoribus Univerſitatis ſuæ *Oxon.* ſalutem. Cùm diverſæ diſſenſiones, *&c. ut ſupra uſque* de facili evenire; quódque vos diverſas pœnas & punitiones ſcholaribus Univerſitatis prædictæ, pro hujuſmodi maleficiis per ipſos ante hæc tempora commiſſis, infligend. contra ſtatuta & privilegia Univerſitatis prædictæ, & ſacramenta per vos in hâc parte præſtita, remiſiſtis; quo prætextu dicti malefactores, & alii, majorem audaciam ſibi aſſumpſerunt delinquendi: Nos volentes hujuſmodi malis, viis & modis quibus poterimus, præcavere, & tranquillitati ſcholarium, *&c. ut ſupra*, & ad eandem confluentium providere; Vobis firmiter injungendo mandamus, quòd Scholares Univerſitatis prædictæ præmunire, eiſque ex parte noſtra firmiter inhiberi fac. ne quis eorum, aut eorum familiares, ſeu ſervientes, armaturas aliquas ad villam prædictam, vel ſuburbia ejuſdem deferant, ſeu deferri fac. ſeu eas in domibus aut hoſpitiis ſuis retineant, publicè vel occultè; & nichilominus diligens ſcrutinium poſt præmunitionem & inhibitionem prædictas in domibus & hoſpitiis ſuis de hujuſmodi armaturis fac. & contravenientes in hac parte juxta privilegia & ſtatuta veſtra, & ſacramenta prædicta puniatis, nemini prædictorum *Ibidem.*

dictorum contravenientium in hac parte parcentes: Scientes, quòd niſi præmiſſa cum majori diligentiâ feceritis, ad vos, & ſtatuta & privilegia prædicta, prout convenit, capiemus. *Teſte ut ſupra.*

Pat. 13. *Edv.* 3. *pars* 2. *m.* 28. *intus. Quòd venellæ villæ Oxon. mundatæ cuſtodiantur.*

REX dilectis & fidelibus ſuis Cancellar. Univerſitatis *Oxon.* & cuſtodi domus de Merton. ibidem, qui nunc ſunt, vel qui pro tempore erunt, ſalutem. Sciatis, quòd cum nuper datur nobis intelligi, quòd quamplures groſſæ Beſtiæ, videlicet, boves, vaccæ, porci, oves, vituli, & aliæ hujuſmodi, in diverſis locis infra muros villæ prædictæ indies mactatæ fuerunt, & etiam quòd tot fimi & fimarii, ac aliæ fæditates, in ſtratis, vicis & venellis villæ illius, infra eoſdem muros extiterunt; quòd per abominabiles fœtores, quæ ex mactatione dictarum beſtiarum, ac fœditate fimorum & fimariorum hujuſmodi provenerunt, aer ibidem in tantum inficiebatur, quòd quidam, tam magnatum & aliorum ad dictam villam declinantium, quàm Scholarium & Burgenſium, cæterorumque in villâ prædictâ degentium, gravibus corporum ſuorum infirmitatibus ſæpius detinebantur, & exinde aliqui moriebantur: Volentes hujuſmodi malis & periculis præcavere, & ſanitati prædictorum, ac honeſtati villæ prædictæ, * *Nota.* maximè dum Magiſtrorum & Scholarium Univerſitas ibi viget, providere, per breve noſtrum mandaverimus Majori & Ballivis villæ prædictæ, quòd in villâ prædictâ ubi expedire viderint publicè proclamari, & ex parte noſtrâ firmiter inhiberi facerent, ne qui carnifices, aut alii hujuſmodi, groſſas beſtias infra muros prædictos mactarent, nec Burgenſes ſeu alii fimos, fimar. ſive alias fœditates in ſtratis, vicis & venellis præ-

prædictis, ubi communis eſt hominum tranſitus, ponerent, ſeu poni facerent, nec fieri permitterent; ſed quòd ſtatim factâ proclamatione hujuſmodi, illos per quos hujuſmodi fimi, fimarii & fœditates ſic ponerentur, dictas ſtratas, vicos & venellas ſine dilatione aliquâ inde mundare, & mundatos cuſtodiri facerent. Ac iidem Major & Ballivi nobis retornaverint, quòd à tempore quo non extat memoria, certus locus deputatus & ordinatus extitit pro carnificibus ad beſtias ibidem mactand. & etiam carnes vendend. qui quidem locus arentatus fuit ad centum ſolidos in firmâ villæ prædictæ. Ita quòd dicti carnifices in loco illo à tempore prædicto ſine interruptione officium ſuum prædictum exercuerunt, & quòd ſine diminutione firmæ prædictæ alibi locus aliquis pro officio prædicto exercend. provideri non potuit, per quod nos breve noſtrum prædictum per ipſos Majorem & Ballivos ſic indorſatum, & coram nobis in Cancellariâ noſtrâ retornatum coram dilectis & fidelibus noſtris *Richardo Wylughby*, & ſociis ſuis Juſtic. ad placita coram nobis tenend. aſſign. miſimus; mandantes, quòd inſpectis brevi & indorſamento prædictis, vocatiſque coram nobis præfatis Majore & Ballivis, & aliis qui forent evocandi, & auditis tam prædicti Cancellar. aut Procuratorum Univerſitatis prædictæ, quàm dictorum Majoris & Ballivorum rationibus hinc & inde, ulteriùs in hac parte facerent quod de jure & rationabiliter fore viderent faciend. Et quia vocatis coram nobis præfatis Majore & Ballivis in formâ prædictâ, qui coram nobis juxta præmunitionem eis inde factam per *Robertum de Haverbergh* attorn. ſuum comparuerunt, & auditis tam ipſius Cancellar. quàm Majoris & Ballivorum prædictorum in hac parte rationibus, præmiſſiſque omnibus & ſingulis coram nobis proceſſu debito deductis,

deductis, conſideratum fuit, quòd communis mactatio groſſarum beſtiarum in loco prædicto in commune dampnum & oppreſſionem populi noſtri de cætero non fiat, & per breve noſtrum de judicio ſub teſtimonio prædicti *Richardi* Vic. noſtri *Oxon.* extitit demandatum, quòd hujuſmodi mactationem beſtiarum ibidem, aut fimos, fimarios, ſeu alias fœditates in locis publicis ejuſdem villæ in oppreſſionem & commune dampnum populi, de cætero fieri non permitterit, ſicut per tenorem recordi & proceſſus inde habitorum, quem coram nobis in Cancellar. noſtrâ, certis de cauſis venire fecimus nobis conſtat: quod quidem mandatum præfatus Vic. hactenus facere recuſavit, ut accepimus. Nos volentes ea quæ ſic in curiâ noſtrâ conſiderata exiſtunt executioni debitæ demandari; aſſignavimus vos ad ſupervidend. & ordinand. quod hujuſmodi groſſæ beſtiæ in loco prædicto non mactentur, nec quod fimi, fimarii, ut aliæ fœditates prædictæ in locis publicis ejuſdem villæ ponantur, nec fiant; ſed quòd prædicti ſtratæ, vici & venellæ de fimis, fimariis & fœditatibus prædictis mundentur, & mundati cuſtodiantur, ex cauſis præmiſſis, juxta formam conſiderationis ſupradictæ, & ad informand. vos per inquiſitiones tam per Clericos quàm per Laicos villæ prædictæ inde quotiens opus fuerit capiend. de veritate præmiſſorum, & ad illos quos culpabiles vel rebelles inveniri contigerit, per amerciamenta, & aliis modis prout expedire videritis, & rationabiliter faciend. fuerit, puniri faciend. conſideratâ diligentiùs qualitate & quantitate delicti in hac parte. Et ne executio præmiſſorum per abſentiam, contrarietatem, aut recuſationem veſtram, præfate Cuſtos, retardetur; Volumus, & vobis, prædicte Cancellar. damus tenore præſentium poteſtatem, præmiſſa

omnia

omnia & ſingula juxta formam conſiderationis prædictæ, ſicut prædictum eſt, faciendi & exequendi, quotienſcumque opus fuerit; & vos, præfate Cuſtos, ſi hoc facere recuſaveritis vel nolueritis, dum tamen ſitis per vos, præfate Cancellar. ad præmiſſa unà vobiſcum, prædicte Cancellar. faciend. cùm ea fieri debeant, debitè præmuniti. Et ideò vobis mandamus, quòd circa præmiſſa, quandocumque opus fuerit, intendatis, & ea exequamini, & fieri fac. in formâ prædictâ. Damus autem univerſis & ſingulis villæ prædictæ quorum intereſt, ac Vic. noſtro Com. prædicti, tenore præſentium, in mandatis, quòd vobis in præmiſſis omnibus & ſingulis in formâ prædictâ pareant & intendant quotiens & prout eis ſcire feceritis ex parte noſtrâ. In cujus, &c. Teſte præfato Cuſtode apud Kenyngton 30 die Julii.

Per Conſilium.

REX Vic. *Oxon.* ſalutem. Cùm nuper data nobis intelligi, *&c. ut ſupra, uſque ibi,* & mandatos cuſtodiri facerent, *& tunc ſic*; Ac iidem Major & Ballivi prætendentes certum locum in villâ prædictâ pro carnificibus ad beſtias mactand. à tempore quo extat memoria, deputatum fuiſſe, & alium locum in eâdem villâ pro hujuſmodi officio exercendo non exiſtere, quicquam ad mandatum noſtrum prædictum facere non curârunt. Et quia præmiſſis coram nobis proceſſu debito deductis, conſideratum eſt, quòd communis mactatio groſſarum beſtiarum in loco prædicto in commune dampnum & oppreſſionem populi noſtri, de cætero non fiat, & tibi per breve noſtrum de judicio, ſub teſtimonio dilecti & fidelis noſtri *Richardi de Wylughby,* *Ibidem de eodem.*

Iughby, Capitalis Juſtic. noſtri, extitit demandatum, quòd hujuſmodi mactationem beſtiarum ibidem, aut ſimos, ſimarios, ſeu alias fœditates in locis publicis ejuſdem villæ fieri non permitteres, ſicut per tenorem recordi & proceſſus ſuper præmiſſis habitorum, quæ coram nobis in Cancellariâ noſtrâ certis de cauſis venire fecimus, nobis conſtat; quod quidem mandatum hactenus exequi recuſâſti, ut accepimus, unde plurimùm admiramur. Nos volentes ea quæ ſic in curiâ noſtrâ conſiderata exiſtunt executioni debitè demandari; Tibi præcipimus, quòd in villâ prædictâ, in locis ubi expedire videritis, publicè proclamari, & ex parte noſtrâ publicè inhiberi fac. ne qui carnifices, aut alii hujuſmodi, groſſas beſtias in loco prædicto mactare præſumant, nec alii ſimos, ſimar. ſive alias fœditates in locis publicis ejuſdem villæ ponant, ſeu poni faciant, nec fieri permittant: Et ſi hujuſmodi ſimos, ſimar. aut alias fœditates in locis publicis ejuſdem villæ inveneris, & homines ejuſdem villæ loca illa inde mundare recuſent, tunc eadem loca publica de eiſdem ſimis, ſimar. & fœditatibus ſine dilatione mundare, & mundata cuſtodiri fac. juxta formam conſiderationis ſupradictæ, & dicti mandati noſtri de judicio tibi ſuper hoc priùs directi, libertate villæ prædictæ non obſtante. *Teſte ut ſupra.*

Per Conſilium.

Pat. 15. E. 3. pars 2. m. 41. dorſ. De inquirendo de malefactoribus in Univerſitate Oxon.

REX dilecto Clerico ſuo Magiſtro *Willielmo de Bergeveny*, Cancellario Univerſitatis ſuæ *Oxon.* vel ejus locum tenenti, ſalutem. Qualiter ante hæc tempora ex diſſenſionibus & diſcordiis in Univerſitate prædictâ ſæpiùs exortis, dampna & facinora innumera, in noſtri con-

contemptum & pacis noſtræ læſionem, ac quietis ibidem ſtudentium perturbationem, fuerant enormiter perpetrata; qualiter etiam quidam dictorum facinorum perpetratores ſe à dictâ villâ *Oxon.* retraxerunt, & in diverſis regni partibus diſcurrebant, mala perpetrare hujuſmodi non timentes, eò quòd ipſi cùm dictam villam ingreſſi fuerunt per Cancellar. & Miniſtros Univerſitatis illius puniri non poterant, ut deceret, non credimus vos latere. Jamque ex relationibus intelleximus nonnullorum, quòd quædam diſſenſiones & contumeliæ graves in Univerſitate prædictâ, inter Scholares ejuſdem Univerſitatis, ac etiam eoſdem Scholares & Laicos, tam ex antiquo odio & ipſorum inſolentiis, juvenili etiam laſciviâ ſtimulante, quàm ex diverſis aliis cauſis, per quas quidam contra alios occaſiones quærere moliuntur, incipiunt noviter ſuboriri, per quod niſi celerius ſuper hoc apponatur remedium opportunum, de ſubverſione Univerſitatis prædictæ, & forſan turbatione & motione tam inter magnates quàm alios regni noſtri, veriſimiliter formidatur. Nos conſiderantes, quòd ex Univerſitatis noſtræ prædictæ & ſtudentium in eâdem, doctrinâ, fides dilatatur catholica, & ſancta Dei eccleſia, maximè Anglicana, dilucidè roboratur; cupientes igitur tranquillitati & quieti Univerſitatis ejuſdem, de qua tot, ad regendos populos, ad illuminationem multorum, Doctores hactenus proceſſerunt, & indies procedunt, modis omnibus quibus poterimus, providere, rebellionemque pertinaciam hujuſmodi malefactorum refrænare, & eos cum rigore juſtitiæ punire, & prout convenit caſtigare; advertentes inſuper, quòd quamplures de malefactoribus illis, propter diverſas allegationes & confœderationes, tam cum aliis dictæ villæ & forinſecis, quàm cum clericis

Nota.

Univer-

Univerſitatis ejuſdem, initas atque factas, ſe, juxta privilegia & libertates per progenitores noſtros & Nos dictæ Univerſitati conceſſa, ac ſecundum legem & conſuetudinem regni, juſticiari contemptibiliter non permittunt, nec hactenus permiſerunt, & quidam ex eis ſe à villâ prædictâ elongârunt, in aliis partibus, ut præmittitur, diſcurrendo: Vobis firmiter injungendo mandamus, quòd inquiſitionibus per vos quotiens opus fuerit faciend. ac viis & modis aliis, quibus meliùs expedire videritis, vos cum diligentiâ informetis de nominibus malefactorum & rebellium prædictorum, qui mala & facinora hujuſmodi in Univerſitate prædictâ hactenus perpetrârunt & perpetrari fecerunt, vel procurârunt, & etiam perpetrant & perpetrari faciunt, ſeu procurant, & ipſorum manutentorum ſimiliter & fautorum, & de nominibus hominum hujuſmodi malefactorum & rebellium, ac eorum manutentorum & fautorum, qui per vos vel miniſtros veſtros dictæ Univerſitatis in hâc parte caſtigari non poterunt, vel ſe juxta libertates & privilegia hujuſmodi non permittunt, ſeu qui extra eandem villam ob perpetrationem facinorum hujuſmodi ſe elongant, nos in Cancellar. noſtram ſub ſigillo veſtro de tempore in tempus reddatis diſtinctè & apertè certiores, ut ulteriùs inde fieri faciamus quod de jure & ſecundum legem & conſuetudinem regni noſtri Angliæ fuerit faciend. Nolumus tamen vobis, aut dictæ Univerſitati, ſeu privilegiis eidem Univerſitati per progenitores noſtros & nos conceſſis, prætextu præſentis mandati noſtri, ſeu executionis ejuſdem præjudicari, vel in aliquo derogari. Teſte Rege apud Turrim Lond. 20° die Junii.

Nota.

Per ipſum Regem & Conſil.

REX

REX Majori & Ballivis ſuis Villæ *Oxon.* ſalutem. Quia intelleximus, quòd quidam malefactores, & pacis noſtræ perturbatores, tam Scholares quàm alii, pro tranſgreſſionibus & exceſſibus enormibus apud *Oxon.* ac infra metas & bundas Univerſitatis ejuſdem villæ ante hæc tempora banniti, jam diverſos malefactores & pacis noſtræ perturbatores ad ſe attrahentes, & diverſas alligationes & confœderationes illicitas facientes in paſſibus, boſcis, biviis & quadriviis, ac aliis locis ſuſpectis ibidem hominibus inſidiantes, tam de die quàm de nocte, vi armatâ vagantur & diſcurrunt, Scholares ac alios verberantes & vulnerantes, & bona & catalla diverſorum hominum capientes & aſportantes, & alia mala quamplurima perpetrantes, ad quorum caſtigationem & punitionem Cancellarius Univerſitatis prædictæ non ſufficit, niſi aliter ad hoc brachium ſeculare apponatur: Nos affectantes tranquillitatem & quietem Scholarium Univerſitatis prædictæ, ac aliorum ad eandem villam confluentium, ac aliorum ibidem degentium, obſervari, & malitiæ dictorum malefactorum & bannitorum obviare, & ad punitionem eorundem manum noſtram volentes apponere adjutricem: Vobis præcipimus, quòd eidem Cancellario ad inſequend. areſtand. & capiend. dictos malefactores & bannitos, cùm per ipſum ſuper hoc ex parte noſtrâ fueritis præmuniti, intendentes ſitis, conſulentes & auxiliantes, ut idem Cancellar. hujuſmodi Malefactores, ſic areſtatos, caſtigare & punire valeat, juxta libertates & privilegia Univerſitatis prædictæ: Taliter vos habentes in hac parte, quòd non poſſitis ſuper aliquâ negligentiâ reprehendi, per quod materiam habeamus ad vos & veſtra graviter

Pat. 15. *E.* 3. *pars* 3. *dorſ.* 8. *De intendendo Cancellar. Univerſitatis Oxon. ad areſtand. & capiend. Malefactores, &c.*

capiendi. *Teſte Rege apud Staunford 27° die Novemb.*

Conſimilia Brevia regia diriguntur Vicecom. Oxon. mutatis mutandis. Teſte ut ſupra.

Pat. 16. E. 3. m. 1. dorſo. pro Galfr. de Sibleſham.

REX *Archiepiſcopis, Epiſcopis, Decanis & Capitulis Eccleſiarum Cathedralium & Collegiatarum in Diœceſibus Ciceſtrenſi, Sarisberienſi, Wynton. Eboracenſi, & Lichefeldenſi, & Archidiaconis, Canonicis, & aliis dignitatem vel officium in eiſdem eccleſiis habentibus, Abbatibus, Prioribus, Rectoribus, & Vicariis Eccleſiarum earundem, & aliis Miniſtris Eccleſiaſticis in quibuſcumque ſtatu, officio vel dignitate conſtitutis,* nec non *Cancellariis Univerſitatum* Oxon. & Cantebr. ac univerſis & ſingulis *Magiſtris & Scholaribus* earundem Univerſitatum, Salutem. Ad jura noſtra regia, ne depereant, ſeu per aliquorum uſurpationes indebitas aliqualiter ſubtrahantur, quatenus juſtè poterimus manutenend. ſubtractaque & occupata, ſi quæ fuerint, ad ſtatum debitum revocand. nec non ad impugnatores eorundem jurium refrænand. & prout convenit juxta eorum demerita puniend. eò ſtudioſiùs nos decet operam adhibere, & ſolicitiùs extendere manum noſtram, quò ad hoc juramenti vinculo teneri dinoſcimur & aſtringi, pluresque conſpicimus indies jura illa pro viribus impugnare. Cùm igitur nuper in curiâ noſtrâ coram nobis per breve noſtrum recuperavimus præſentationem noſtram ad Eccleſiam de Seleſeye, vacantem, & ad noſtram donationem ſpectantem, ratione Epiſcopatûs Ciceſtrenſis tunc vacantis, in manu noſtrâ exiſtentis, & præſentaverimus dilectum Clericum noſtrum *Galfr.* de *Sibleſham* ad Eccleſiam prædictam, qui ad eandem per loci Dioceſanum

ſanum admiſſus, & in eâdem canonicè extitit inſtitutus, & poſtmodum pro eo quod datur nobis intelligi, quòd *Willielmus de Roumerſh* jura coronæ noſtræ prædictæ impugnare, & conſiderationem prædictam machinans enervare, diverſos proceſſus in curiâ Chriſtianitatis verſus præfatum Clericum noſtrum extitit proſecutus, ipſum à poſſeſſione ſuâ prædictâ amovere ſatagendo, eidem *Roberto* per diverſa brevia noſtra mandaverimus, ne quicquam in curiâ Chriſtianitatis, quod in derogationem juris noſtri Regii, ſeu enervationem conſiderationis ſeu præſentationis noſtræ prædictarum cedere valeret, attemptaret, ſeu attemptare præſumeret quoviſmodo; nihilominus prædictus *Rogerus* diverſos proceſſus in curiâ Chriſtianitatis verſus præfatum Clericum noſtrum poſtmodum eſt proſecutus, quorum executiones vobis committuntur, ut dicitur, faciendæ, per quos ſi tolerarentur, præjudicium, tam nobis & Coronæ noſtræ, quàm præfato Clerico noſtro, ſuper poſſeſſione ſuâ prædictâ de facili poſſet generari: Vobis igitur omnibus & ſingulis diſtrictè prohibemus, ne executiones aliquorum proceſſuum factorum in curiâ Chriſtianitatis, quæ in enervationem conſiderationis ſeu præſentationis noſtræ prædictarum cedere poſſint, exequamini quoviſmodo, nec citationes, præfixiones, proceſſus, ſeu alia impedimenta diverſa, per quæ jus noſtrum prædictum aliqualiter poterit impugnari, attemptetis, ſeu per alios attemptari faciatis quovis modo. Scientes, quòd ſi ſecus feceritis, ad vos tanquam ad juris noſtri Regii violatores, graviter capiemus. *Teſte Cuſtode prædicto apud Wynton. 6 die Jan.*

Pat. 18. E. 3. pars 2. m. 31. intus. Pro Cancellar. & Scholaribus Univerſitatis Oxon.

REX *Archiepiſcopis, Epiſcopis, Abbatibus, Prioribus, Decanis, Archidiaconis, Official. Præpoſitis, Sacriſtis, Prebendariis, in Eccleſiis Cathedralibus, ſeu Collegiatis, Advocatis, Procuratoribus & Notariis Publicis, & aliis quibuſcunque perſonis Eccleſiaſticis, in quacunque dignitate vel officio conſtitutis, & omnibus aliis ad quos, &c. ſalutem.* Cùm nuper inter privilegia Univerſitati *Oxon.* ac Cancellario ejuſdem qui pro tempore fuerit, per nos & progenitores noſtros quondam reges Angl. conceſſa, conceſſum ſit eiſdem, quòd idem Cancellarius, pro inviolabili pacis noſtræ conſervatione, ac tranquillitate & quiete Scholarium in eâdem Univerſitate ſtudentium, omnes tranſgreſſores & pacis noſtræ in eâdem Univerſitate perturbatores & violatores, qui coram dicto Cancellario comparere voluerint ratione delictorum ſuorum, corrigere, & comparere recuſantes, ubi altera pars eſt Scholaris, à dictâ Univerſitate bannire poſſit; ac jam intellexerimus, quòd quidam de manifeſtâ pacis noſtræ perturbatione ac enormi tranſgreſſione in dictâ Univerſitate factis impetiti, ad mandatum Cancellar. dictæ Univerſitatis, pro eo quòd ipſi, modo debito præmuniti, ſuper præmiſſis reſpondere recuſârunt, per proceſſum ritè inde factum, à dictâ Univerſitate fuerint banniti, & pro bannitis ſolempniter pronunciati, machinantes privilegia prædicta, prædictis Cancellar. & Univerſitati, pro conſervatione pacis prædictæ, & quiete Scholarium ibidem ſtudentium, ſic conceſſa, per proceſſus inde in Curiâ *Romanâ* faciend. deſtruere totaliter & adnullare, ipſum Cancellar. ad reſpondend. ſuper bannimento prædicto extra regnum noſtrum ad dictam Curiam *Romanam*, convocari fece-

fecerunt, & citationes, provocationes, appellationes, monitiones eidem Cancellar. notificari procurârunt, & quàm magnas pecuniæ ſummas pro dampnis ſuis, quæ ex hâc cauſâ aſſeruerunt ſe ſuſtinuiſſe ab eo, ibidem exigunt, & ipſum eâ occaſione multipliciter inquietant minùs juſtè, in noſtri contemptum & præjudicium, & legum & jurium Coronæ noſtræ læſionem, & ipſius Cancellar. dampnum graviſſimum, & libertatum dictæ Univerſitatis adnullationem manifeſtam, de quo quamplurimùm conturbamur. Nos volentes privilegia prædicta dictis Cancellar. & Univerſitati, pro conſervatione pacis prædictæ & quiete Scholarium in dictâ Univerſitate ſtudentium, per dictos Progenitores noſtros ſic conceſſa, inviolabiliter obſervare, & impugnatores eorundem debitè cohercere: Vobis omnibus & ſingulis diſtrictè prohibemus, ne prætextu aliquarum commiſſionum ſeu mandatorum de dictâ Curiâ *Romanâ*, vel aliquâ aliâ Curiâ, vobis ſeu aliquibus veſtrûm directorum, ſeu impoſterùm dirigendorum, quicquam quod in læſionem coronæ & dignitatis noſtræ regiæ, ſeu enervationem privilegiorum prædictorum, aut dicti Cancellar. dampnum in hâc parte, vel præjudicium, cedere valeat, attemptetis, ſeu fac. aliqualiter attemptari. Et ſi quid in contrarium feceritis in hâc parte, id ſine quâcumque difficultate revocetis indilatè, ne ad vos, tanquam ad legum & jurium noſtrorum violatores, & coronæ noſtræ exhæredatores, materiam habeamus cum rigore capiendi. *Teſte Rege apud Weſtm.* 12° *die Auguſti.*

Nota.

Nota.

Pat. 19. *E.* 3. *pars* 1. *m.* 22. *dorſo. De inquirendo de tranſgreſſionibus in Oxon. factis.*

REX *Venerabili in Chriſto patri Roberto eâdem gratiâ Ciceſtr. Epiſcopo, ſalutem.* Quia intelligi nobis datur, quòd quidam Scholares Univerſitatis noſtræ *Oxon.* & eorum miniſtri nuper,

dum quidam fideles juſtic. noſtri judicialiter in eâdem villâ *Oxon.* ſedebant, ad inquirend. de feloniis, tranſgreſſionibus, & aliis exceſſibus in Com. *Oxon.* factis, in copioſâ multitudine congregati, & quamplures ex eis armis prohibitis communiti, in villâ prædictâ notoriè inceſſerunt, quaſdam tranſgreſſiones ac enormia alia, ut dicitur, perpetrantes, & Juſtic. noſtros prædictos, incuſſo eis ex repentinâ hujuſmodi congregatione timore, impedientes, quò minùs tunc ea quæ ad officium ſuum juxta formam commiſſionis noſtræ eis inde factæ exercere & facere debitè potuerunt, in noſtri contemptum, paciſque noſtræ ibidem læſionem, & terrorem etiam nonnullorum. Nos tranſgreſſiones & exceſſus hujuſmodi nolentes abſque imponendâ punitione debitâ præterire, advertenteſque quòd Cancellarius Univerſitatis prædictæ, ad cujus officium, juxta privilegia & libertates ſibi & dictæ Univerſitati per nos & progenitores noſtros conceſſa, punitio clericorum & miniſtrorum ſuorum ibidem delinquentium pertinere dinoſcitur, ut accepimus, ad puniend. tantam Scholarium & ſervientum ſuorum multitudinem, non ſufficit, niſi juvetur poteſtatis Regiæ fulcimento; ac de veſtrâ circumſpectione providâ confidentes, aſſignavimus vos ad inquirend. unà cum prædicto Cancellario, de nominibus hiis Scholarium & ipſorum ſervientum, qui congregationes, tranſgreſſiones, exceſſus, ac alia prædicta, ut præmittitur, perpetrârunt, & ad ipſos juxta eorum demerita & exceſſus ac juris exigentiam, habitâ conſideratione ad privilegia & libertates prædicta, quibus prætextu præſentis aſſignationis noſtræ ad præſens derogare nolumus, caſtigand. & puniend. ſicut meliùs pro conſervatione pacis ibidem videbitur expedire, ne pro defectu debitæ punitionis hujuſmodi, neceſſitate cogente,

gente, nos oporteat manum ad hoc extendere graviorem. Et ideo vobis mandamus, quòd circa præmiſſa omnia & ſingula, unà cum præfato Cancellario, faciend. & explend. in formâ prædictâ celeriùs quo poteritis intendatis: Univerſis inſuper & ſingulis Magiſtris & Scholaribus, ac aliis dictæ Univerſitatis quos præmiſſa contingunt, damus tenore præſentium firmiter in mandatis, quòd vobis in executione præmiſſorum, unà cum Cancellario prædicto, faciend. & explend. pareant & intendant, quotiens & prout per vos vel dictum Cancellarium ſuper hoc fuerint præmuniti. *In cujus, &c. Teſte Rege apud Weſtm.* 14° *die Martii.*

Per Conſilium.

REX omnibus ad quos, &c. ſalutem. Inſpeximus alteram partem cujuſdam Indenturæ inter Cancellarium & Univerſitatem *Oxon.* & Majorem & Communitatem villæ *Oxon.* factæ, & communi ſigillo dictæ villæ ſignatæ in hæc verba. Ceſte Endenture fait a *Oxenford* le quatorziſme jour de Maii, l'an du regne le Roi *Edward* tierz, aprez la conqueſt *d'Engleterre* trentiſme primer, & de *France* dis & oeptiſme, entre le *Chaunceller & la Univerſitee* d'Oxenford d'une part, & le *Maire & Communaltee de meſme la ville* d'altre part, teſmoigne, que accorde eſt entre les parties avantdites, que la dite Communaltee d'Oxenford tendra perpetuelment une miſſe d'Anniverſarie le jour de ſeinte ſcolaſee la Virgine, a Oxenford en la *Egliſe de noſtre Dame*, pur les almes des Clercs & altres occis en la conflict que nadgairs eſtoit entre les Clercs & Lais de la dite Communaltee, a la quele miſſe d' Anniverſarie ſerront en propres perſones, & *Pat.* 31. *E.* 3. *pars* 2. *m.* 26. *Pro Magiſtris & Scholaribus Univerſitatis Oxon.*

& offront en noun de la dite Communaltee d'Oxenford, le Maire que pur le temps ſerra, les Bailliffs, les Aldermans, & toux iceaux que furunt jurez a dite Univerſitee meſme l'an de la dite ville, & de les ſuburbes auxibien del ſuburbe dehors la porte de Norht. come de altres ſuburbes, ſi noun aſcun deaux eient congie del Chaunceller que pur le temps ſerra, ou de ſon Commiſſar de ſoi abſentir per reſonable cauſe, & accept a dit Chaunceller ou de ſon Commiſſar. Et en cas que aſcuns enſi ſoi abſentent, facent altres honeſtes de la dite ville ou ſuburbes venir en lour lieux, al acceptation del dit Chaunceller, ou de ſon Commiſſar. que pur le temps ſerra, enſi que ſeiſaunt & deux de la dite Communaltee de queaux le dit Chaunceller ou ſon Commiſſar. ſoi agree ſoient preſentz a la dite miſſe del comencement tanque au fyn, & offre cheſcun un dener ſi nul deaux neit congie del Chaunceller ou de ſon Commiſſar. d'offrer ſon dener & daler en tour ſes buſoignes neceſſaries adonque affaires. Et ſi nul de la dite Communaltee juree a la Univerſitee cel an ſoi abſente devenir a la dite miſſe & d'offrer come avant eſt dit ſaunz reſonable encheſon, & congie del dit Chaunceller ou de ſon Commiſſar. que pur le temps ſerra, & altre en ſon lieu accept. a dit Chaunceller ou ſon Commiſſar. ne ſoit a la dite miſſe & offre pur lui come avant eſt dit ſoit il puny per le Chaunceller ou ſon Commiſſar. duement, come le dit Chaunceller ou ſon Commiſſar. lui plerra punyr. Eſtre ceo le Chaunceller & la Univerſitee avantditz ne ſoi aſſentent mie que *Johan de Bereford*, *Robert de Lardyner*, *Matheu Kyng*, *Robert le Goldſmyth*, & *Johan de Godeſtre*, ſoient contenuz ne compris en ceſte accorde. En teſmoignance des queles choſes les Seals de la Univerſitee d'Oxen-

d'Oxenford d'une part, & de la Communaltee de meſme la Ville d'altre part, a ceſte Endenture entrechaungeablement ſont mys. Don a Oxenford jour & an avant ditz. *Inſpeximus etiam quoddam ſcriptum obligatorium cum ſigillo villæ prædictæ ſignatum, in hæc verba.* Noverint univerſi quod nos Major & Ballivi, ac tota Communitas Villæ Oxon. pro finali concordiâ factâ ſuper quodam conflictu inter Clericos & Laicos in Villâ prædictâ nuper ſuborto, obligamus nos & ſucceſſores noſtros, Majores & Ballivos ac Communitatem prædictam imperpetuum Cancellar. & Procuratoribus Univerſitatis Oxon. & ſucceſſoribus ſuis Cancellar. & Procuratoribus & Univerſitati prædictæ imperpetuum, in C. marcis annui redditûs ſolvend. eiſdem vel eorum certo Attornato annuatim apud Oxon. in Eccleſiâ beatæ Mariæ in Feſto ſanctæ Scholaſticæ Virginis, ſine ulteriori dilatione. Ad quam quidem ſolutionem fideliter faciendam, obligamus nos & ſucceſſores noſtros, Majores & Ballivos, & Communitatem Villæ Oxon. & omnia bona noſtra & Communitatis prædictæ habita & habenda diſtrictioni prædictorum Cancellar. & Procuratorum qui pro tempore fuerint, & Miniſtrorum ſuorum, nec non cohertioni cujuſcumque Judicis Eccleſiaſtici ſeu ſecularis. In cujus rei teſtimonium ſigillum commune Communitatis prædictæ præſentibus eſt appenſum. Dat. apud Oxon. quintodecimo die Maii, anno regni Regis Edwardi tertii poſt Conqueſtum Angl. triceſimoprimo, & Franciæ decimo octavo. *Inſpeximus* etiam quoddam ſcriptum indentatum communi ſigillo villæ prædictæ ſignatum, in hæc verba: Omnibus Chriſti fidelibus ad quos præſens ſcriptum indentatum pervenerit, Cancellarius & Procuratores Univerſitatis Oxon. & tota Univerſitas prædicta, ſalutem in Domino. Licet Major & Ballivi

Ballivi Villæ Oxon. & tota Communitas ejuſdem Villæ, & ſucceſſores ſui, nobis Cancellar. & Procuratoribus Univerſitatis Oxon. & ſucceſſoribus noſtris, & Univerſitati prædictæ imperpetuum obligentur in centum marcis annui redditûs ſolvend. apud Oxon. annuatim in Eccleſiâ beatæ Mariæ Oxon. in feſto Sanctæ Scolaſticæ Virginis, pro quadam finali concordiâ nobiſcum factâ, ſuper quodam confluctu inter Clericos & Laicos in Villâ prædictâ nuper ſuborto, prout in ipſorum ſcripto obligatorio inde confecto plenius continetur; volumus tamen & concedimus nos prædicti Cancellarius & Procuratores, ac tota Univerſitas, pro nobis & ſucceſſoribus noſtris imperpetuum, quod ſi prædicta Communitas villæ Oxon. pro Animabus Scholarium & aliorum in dicto confluctu occiſorum, unam miſſam anniverſariam in Eccleſiâ beatæ Mariæ Oxon. in feſto ſanctæ Scolaſticæ virginis, annuatim faciat celebrari, modo & formâ quibus in quâdam Indenturâ inter nos & dictam Communitatem de materiâ ipſâ facta plenius continetur, & omnes inſuper alii articuli in eâdem Indenturâ contenti, ex parte dictæ Communitatis quolibet anno debitè fuerint obſervati, quod pro illo anno prædictæ centum marcæ nullatenus exigantur, pro aliis vero annis ipſo ſcripto obligatorio ſuo robore & efficatiâ imperpetuum durâtur. In cujus rei teſtimonium tam ſigillum noſtrum commune Univerſitatis prædictæ, quam ſigillum commune Communitatis prædictæ, huic Indenturæ alternatim ſunt appenſ. Dat. apud Oxon. ſextodecimo die Maii, anno regni Regis Edwardi tertii poſt Conqueſtum Angl. triceſimo primo, & Franciæ decimooctavo. Nos autem Indenturam & ſcripta prædicta, & omnia contenta in eiſdem, quatenus ritè & rationabiliter facta fuerint, rata habentes

bentes & grata, ea pro nobis & hæredibus noſtris, quantum in nobis eſt, approbamus, ratificamus & confirmamus. *In cujus, &c. Teſte Rege apud Weſtm. primo die Junii.*

Per breve de Privato Sigillo.

Regiſter of Writs, pars 2. f. 67. b. 68. 2. De homine per Cancellarium Oxoniæ excommunicato capiendo.

REX Vic. Berkſ. ſalutem. Cum de Gratiâ noſtrâ ſpeciali conceſſerimus, quòd Cancellarius Univerſitatis *Oxon.* qui pro tempore fuerit, per literas ſuas patentes Cancellario noſtro Angliæ pro tempore exiſtenti dare poſſit & ſignificare, de nominibus ſingulorum de juriſdictione præfati Cancellarii *Oxon.* qui majoris excommunicationis vinculo fuerint innodati, & quod dictus Cancellarius noſter *Angliæ* qui pro tempore fuerit, brevia noſtra fieri & ſub magno ſigillo noſtro conſignari faciat, pro captione illorum de juriſdictione prædictâ, qui ſic per dictum Cancellarium *Oxon.* fuerunt excommunicati, & per quadraginta dies perſeveraverint in eâdem ad ſignificationem ſive certificationem ipſius Cancellariæ *Oxon.* ſupradictam, prout in literis noſtris patentibus inde confectis plenius continetur. Et *J. de W.* Cancellarius Univerſitatis prædictæ, per literas ſuas patentes nobis ſignificaverit, quod *G. S.* ſuæ juriſdictionis propter ſuam manifeſtam contumaciam, Authoritate ipſius Cancellariæ *Oxon.* excommunicatus eſt, nec ſe vult per cenſuram Eccleſiaſticam juſtitiari. Quia vero poteſtas regia ſacroſanctæ Eccleſiæ in querelis ſuis deeſſe non debet, tibi præcipimus, quod prædictum *G.* per corpus ſuum ſecundum conſuetudinem Angliæ juſtitiare, donec ſanctæ Eccleſiæ tam de contemptu quam de injuriâ ei illatâ ab eo fuerit ſatisfactum. *Teſte, &c.*

REX

Pat. 50. E. 3. pars 1. M. 10. pro Univerſitate Oxon. de confirmatione Ordinationum. vide Pat. 20. R. 2. pars 3. m. 36. Exemplificatio iſtius Ordinationis & Here, p. 163.

REX *omnibus ad quos &c.* ſalutem. Inſpeximus quaſdam Ordinationes per venerabiles Patres *Willielmum London. Thomam Elien. Adam Meneven. Radulphum Sarum*, & *Willielmum Ciceſtrenſem*, Epiſcopos, vice & auctoritate noſtris, ac inſtantis Parliamenti noſtri, ſuper controverſiis & litibus quæ inter Cancellarium Univerſitatis Oxon. & Magiſtros in Theologiâ & Artibus regentes & non regentes, & eorum facultates ex parte unâ, & Magiſtros ſeu Doctores de jure Canonico & Civili, eorumque facultates & ſtudentes in eiſdem ex alterâ parte, ortæ fuerunt factas, & ſub ſigillo prædictorum London. Elien. Meneven. & Sarum Epiſcoporum, ac ſub ſigno tabellionis publici conſignatas, in hæc verba. Univerſis præſentes literas inſpecturis, *Willielmus London. Thomas Elien. Adam Meneven. Radulphus Sarisberien.* & *Willielmus Ciceſtren.* Epiſcopi, Domini noſtri Regis Angliæ illuſtris, de conſenſu omnium Prælatorum & Procerum regni, & inſtantis Parliamenti ſui Commiſſarii ad cognoſcendum, procedendum, & ſine debito terminandum in quibuſcumque controverſiis, litibus & diſſenſionibus inter Cancellarium Univerſitatis *Oxon.* Lincoln. Dioc. ac Magiſtros in Theologiâ & Artibus, regentes & non regentes, & eorum facultates ejuſdem Univerſitatis ex parte unâ, ac doctores in jure canonico & civili regentes & non regentes, Baccallarios & ſtudentes in eiſdem juribus ipſius Univerſitatis ex alterâ ſuſcitatas, ſub formâ infra ſcriptâ ſpecialiter deputati, ſalutem in omnium Salvatore. Literas Commiſſionis dicti Domini noſtri Regis, ſeu mandatum vel breve ſuum Regium patens nuper recepimus, tenorem qui ſequitur continentes. *Edwardus Dei gratiâ Rex Angliæ & Franciæ, & Dominus Hiberniæ, venerabilibus*

bus patribus W. London. Th. Elien. A. Meneven. R. Sarum, & W. Ciceſtren. Epiſcopis, Salutem. Nuper audivimus de quibuſdam diſſenſionibus, & rixis inſolitis & retroactis temporibus inauditis, inter Magiſtros & Doctores Theologiæ juris Canonici & Civilis, & facultatis Artium, earumque ſcientiarum Baccallarios & Scholares noviter jam exortis, occaſione quorundam ſtatutorum formam & reſponſiones Baccallariorum juris Civilis & Canonici, ad quæſtiones per Doctores decretorum & legum diſputandas concernentium noviter editorum, quorum occaſione bannitiones, convictiones & alia gravamina varia contra certas perſonas plurima ſunt ſecuta, quæ diſſenſiones, rixæ, & alia gravamina prænotata, in præjudicium non modicum & enervationem quodammodo prædictæ Univerſitatis tenderent, niſi per nos manus eſſent appoſitæ, pro repellendis præmiſſis inconvenientibus adjutrices: Nos volentes prædictam Univerſitatem ſuſtinere in ſuis uſibus, privilegiis, & conſuetudinibus univerſis, prout eam ab initio privilegiis dotavimus, & eadem privilegia ſæpius augmentavimus per temporum curricula diverſorum pro pace dictæ Univerſitatis pariter & quiete, in cauſis & negotiis præmiſſorum, & omnium aliorum incidentium emergentium, & ea qualitercunque contingentium; vobis committimus plenariè vices noſtras, dantes vobis quatuor vel tribus veſtrum tenore præſentium auctoritatem, ac mandatum ſpeciale, negotium prædictum cum omnibus & ſingulis præmiſſis, vel ea quoquomodo contingentibus vel dependentibus ab eiſdem vice noſtrâ audiendi, & in eiſdem amputatis quibuſcumque dilacionibus & allegationibus frivolis alterius etiam partis præſenciâ nullatenus expectatâ, plenariè cognoſcendi, ac ea reformandi & debito fine terminandi, bannitiones,

tiones, convictiones, ſtatutaque prædicta in parte vel in toto revocandi & ſubducendi, prout vobis quatuor vel tribus veſtrûm videbitur expedire, bannitoſque & convictos prædictos in Univerſitatem prædictam reconciliandi, prout vobis quatuor vel tribus veſtrum videbitur opportunum, Cancellarioque, Procuratoribus, Magiſtris, Doctoribus, Scolaribus, & aliis quibuſcumque Univerſitatis prædictæ inhibendi, ne contra Ordinationes veſtras, quatuor vel trium veſtrûm, neque de cætero ſtatuta injuſta irrationabilia contra facultates Juris Canonici vel Civilis edant ſeu faciant quoviſmodo, ſub pœnâ forisfacturæ omnium bonorum ſuorum temporalium, & revocationis privilegiorum omnium à nobis vel prædeceſſoribus noſtris Univerſitati prædictæ, Magiſtris, Doctoribus, vel Scholaribus ejuſdem primitus conceſſorum, & ea quæ ſic per vos quatuor, vel tres veſtrûm terminata vel ordinata fuerint vallandi & affirmandi, & omnia alia faciendi & exequendi quæ pro reformatione præmiſſorum juxta diſcretiones veſtras, quatuor vel trium veſtrûm neceſſaria fuerint vel etiam opportuna. *Et ideo vobis mandamus, quod ad certos dies & loca quos vos, quatuor vel tres veſtrûm ad hoc provideritis circa præmiſſa ſolerter cum efficaciâ intendatis, & ea faciatis & exequamini, prout à parte juſtitiæ & pro pace, quiete & tranquillitate prædictæ Univerſitatis vobis quatuor vel tribus videbitur expedire. Damus autem unicuique partium prædictarum, & omnibus aliis quorum intereſt tenore præſentium firmiter in mandatis, quod vobis, quatuor vel tribus veſtrûm in præmiſſis & præmiſſorum quolibet faciend. & exequend. obediant & pareant pariter & intendant. In cujus rei teſtimonium has literas noſtras fieri fecimus patentes. Teſte meipſo apud Weſtm.* 20 *die Junii, anno regni noſtri Angliæ quinquageſimo, reg-*

ni vero noſtri Franciæ triceſimo ſeptimo.

Conceſſum eſt de aſſenſu Prælatorum exiſtentium in Parliamento.

In fine *verò ipſius brevis in ejus margine ſcribebantur verba prædicta.* Quarum auctoritate literarum ſeu mandati aut brevis Regii ſupradicti nos Epiſcopi & Commiſſarii memorati in prædictis controverſiis, litibus & diſſenſionibus quæ inter partes prædictas occaſione quarundam Ordinationum per Magiſtros Theologiæ & Artium regentes dictæ Univerſitatis & ſtatutorum per Magiſtros regentes & non regentes earundem facultatum ipſius Univerſitatis contra Baccallarios Juris Canonici & Civilis & facultates earundem, reclamantibus omnibus & ſingulis Doctoribus ipſius utriuſque Juris in eâdem Univerſitate regentibus & non regentibus, citra videlicet feſtum Sancti *Michaelis Archangeli* proximo præteritum editorum concernentium reſponſiones Baccalariorum Juris Canonici & Civilis ad Quæſtiones per Doctores Decretorum & Legum diſputandas noviter ſint exortæ, legitimè procedentes, diſcretis viris Magiſtris *Johanne Gaſcoyn* & *Johanne Pakwode* Decretorum, *Johanne Treſnaunt* & *Willielmo Todeworth* Legum Doctoribus, dictæ Univerſitatis regentibus, ad informandum nos ſuper præmiſſis per mandatum ſeu breve Regium in hac parte eis directum ſpecialiter & perſonaliter evocatis, pro ſe perſonaliter omnibuſque Doctoribus, Baccalariis & Scolaribus Juris Canonici & Civilis ejuſdem Univerſitatis, per diſcretum virum Magiſtrum *Michaelem Cergeaux* Clericum, & in Legibus Baccalarium eorum Procuratorem literatoriè & legitimè conſtitutum ſufficienter etiam comparentibus ex parte unâ, ac venerabili viro Magiſtro *Johanne*

hanne Turk, ſacræ paginæ Profeſſore & dictæ Univerſitatis Cancellario, ac diſcretis viris Magiſtris *Willielmo Wakefeld* Magiſtro in Artibus ejuſdem Univerſitatis Procuratore, nec non *Willielmo Berton* & *Roberto Ayleſham* Baccalariis in Theologiâ & Magiſtris in Artibus pro ſe, &, ut aſſeruerunt, nomine dictarum duarum facultatum Theologiæ & Artium, abſque tamen mandato ſufficienti perſonaliter comparentibus ex parte aliâ, ad hoc, ut dicebatur, per eaſdem miſſis & etiam deſtinatis cæteriſque omnibus Magiſtris in Theologiâ & Artibus regentibus & non regentibus prædictæ Univerſitatis, ad comparendum coram nobis Commiſſariis prædictis in inſtanti Parliamento per duos in hac parte ſufficientem poteſtatem habentes, ordinationem inſtantis Parliamenti & noſtram ſuper præmiſſis diſſenſionibus, vice & auctoritate Regiâ faciendum viſur. & receptur. per breve Regium ritè & legitimè evocatis ſufficienter expectatis, & ut debuerunt, & tenebantur ſufficientur comparere non curantibus, ſed ſe contumaciter & rebelliter abſentantibus, ac per nos propterea contumacibus reputatis, ipſorum præſentiâ, ob quietem & tranquillitatem dictæ Univerſitatis & ſtudentium in eâdem, & pro bono pacis celeriter reformand. ſecundum exigentiam dicti mandati Regii nullatenus expectatâ, ſet eorum abſenciâ Dei repletâ præſenciâ, auditis per nos partium prædictarum Juribus, rationibus & allegacionibus, ac ipſis & hujuſmodi diſſenſionum ut licium meritis plenè cognitis, rimatis etiam & diſcuſſis, concurrentibus etiam omnibus in eâ parte requiſitis, & in pœnam contumaciæ non comparentium, Dei nomine invocato, ad ſententiæ prolacionem in dicto Negocio die & loco infra ſcriptis proceſſimus ac vice & auctoritate Regiâ & inſtantiâ Parliamenti prædicti, ordina-

ordinavimus, ſtatuimus, & diffinivimus, ſub hâc formâ verborum. *In Dei Nomine Amen.* Auditis per nos *Willielmum Londinen. Thomam Elien. Adam Meneven. Radulphum Saresbirienſem, & Willielmum Ciceſtrenſem Epiſcopos, Domini noſtri Regis* Angliæ *illuſtris, & ipſius Parliamenti in negocio infra ſcripto Commiſſarios,* ad cognoſcend. procedend. & fine debito terminand. in quibuſcumque controverſiis & litibus inter Cancellarium Univerſitatis *Oxon.* & Magiſtros in Theologiâ & Artibus regentes & non regentes, & eorum facultates, ex parte unâ, & Magiſtros ſeu Doctores in Jure Canonico & Civili, eorumque facultates & ſtudentes in eiſdem ex alterâ, ſub certâ formâ, prout in certâ commiſſione dicti Domini noſtri Regis pleniùs apparet, quam hic pro expreſsâ haberi volumus, deputatos; & intellectis ac pleniùs diſcuſſis meritis dictorum negociorum, nos *Willielmus Londinenſis Epiſcopus* ſupradictus, vice & conſenſu Collegarum noſtrorum prædictorum & noſtra, ordinavimus, ſtatuimus & diffinivimus, quod Cancellarius & Univerſitas *Oxon.* citra *Feſtum Tranſlationis Sancti Thomæ Martyris* prox. futur. ſtatuant cum plenâ ſolempnitate conſuetâ juxta formam & tenorem immediatè ſequentes, & quæcumque alia Ordinaciones & ſtatuta ſuper eâdem materiâ jam noviter edita in Univerſitate prædictâ tollant, & ſubducant omninò, & pro nullis & caſſatis reputentur; nec non Magiſtros *Thomam Mountagu* & *Henry Yngelby* & cæteros quoſcunque bannitos, occaſione contencionis ſive rixæ hujuſmodi factæ, ad ſtatum ſuum priſtinum & plenum reſtituant ſine morâ, & quoſcumque proceſſus, contra quoſcumque Scolares eâ occaſione factos revocent: & quod de cætero nulla ſtatuta nova vel Ordinaciones contra dictas facultates Juris *Canonici & Civilis,* vel ſtudentes in

eiſdem faciant, nec fieri procurabunt, ſub pœnâ amiſſionis omnium bonorum ſuorum temporalium Domino noſtro Regi applicandorum, nec non revocationis omnium privilegiorum & immunitatum à Domino noſtro Rege, & prædeceſſoribus ſuis eis hactenus conceſſorum. Et ſi contingat quod infra terminum memoratum præmiſſa plenè & perfectè, ut præfertur, non expediantur & perficiantur omnino: Nos *Willielmus London.* Epiſcopus antedictus, vice & auctoritate quibus ſuprà omnia & ſingula præmiſſa prout ſuperſcribuntur, ordinamus, diffinimus & ſtatuimus ex nunc imperpetuum valitura, bannitoſque prædictos reſtituimus, & eorum ſtatum plenè reformamus in Univerſitate prædictâ, Statutaque & Ordinationes contra facultates prædictas Juris *Canonici* & *Civilis* edita & in futur. edend. ſupra dictâ materiâ caſſamus, annullamus, & irritamus, caſſa, nulla, & irrita pronunciamus, emendandi, corrigendi & interpretandi præmiſſa nobis quatuor vel tribus noſtrûm poteſtate reſervatâ. Tenores verò ſtatutorum per dictam Univerſitatem juxta Ordinationem noſtram ut præmittitur edendorum & per nos in eventum editorum ſequuntur ſub hiis verbis. Statutum eſt, quòd quilibet Baccalarius Juris *Civilis* qui prius pro formâ non reſponderit, requiſitus à Doctore decretorum ad diſputandum aſtricto ut ſibi reſpondeat, dum tamen totam formam ſuam præter reſponſionem formalem prius compleverit quod ex tunc teneatur reſpondere, habitâ deliberacione trium menſium à requiſitionis tempore numerandorum ſub hâc pœnâ, quod aliter nec annus ille nec aliquis actus ſcolaſticus ejuſdem anni ſtet ſibi pro formâ in aliquâ facultate, niſi excuſationem rationabilem habeat coram Cancellario & Doctore Juris *Canonici* vel *Civilis*, & altero Procura-

torum

torum vel duobus ipſorum approbatam. Quod ſi pro reſponſione formali in Jure *Canonico* vel *Civili* pecuniam vel ſibi æquivalens ex pacto receperit, eo ipſo pœnæ conſimili ſe noverit ſubjacere, quibuſcumque Ordinacionibus Magiſtrorum regentium, vel ſtatutis Magiſtrorum regentium & non regentium Univerſitatis *Oxon.* ſuper præmiſſis, vel eorum aliquo, anno Domini *Milleſimo trecenteſimo ſeptuageſimo* quinto, ſecundum curſum & computacionem Eccleſiæ Anglicanæ qualitercumque editis non ligantibus quoviſmodo, tanquam inefficacibus atque nullis. Item ſtatutum eſt, quod cum Baccalarius Juris *Canonici* ante ejus inceptionem in Jure *Canonico* ſingulis Doctoribus regentibus in facultate Decretorum teneatur reſpondere requiſitus à Doctore Decretorum, qui tenetur diſputare ut ſibi reſpondeat, ſi idem Baccalarius totam formam præter reſponſiones prius compleverit, & dummodo alicui Doctori per annum immediatè præcedentem prius pro formâ non reſponderit, ac dummodo per tres menſes ante diem reſponſionis fuerit requiſitus & reſpondere recuſaverit, niſi coram Cancellario ac Doctore Juris *Canonici* vel *Civilis* & altero Procuratore cauſam rationabilem ab eis vel à duobus ipſorum approbatam allegaverit, quod nec annus ille, nec aliquis actus Scholaſticus ejuſdem anni infra Univerſitatem *Oxon.* eodem anno ſibi cedat pro formâ. Et ſi Baccalarius quiſcumque dictæ facultatis pro reſponſione formali in Jure *Canonico* vel *Civili* pecuniam vel ſibi æquivalens ex pacto receperit, eo ipſo pœnæ conſimili ſe noverit ſubjacere, quibuſcumque Ordinacionibus Magiſtrorum regentium & non regencium ejuſdem Univerſitatis ſuper præmiſſis vel eorum aliquo, Anno Dom. Milleſimo trecenteſimo ſeptuageſimo quinto ſecundum curſum & computacionem

tacionem Eccleſiæ Anglicanæ qualitercumque editis non ligantibus quoviſmodo, tanquam inefficacibus atque nullis. Quæ quidem Ordinacionem, diffinicionem & ſtatuta noſtra deducimus & deduci volumus per præſentes; præcipientes, ac vice & auctoritate quibus ſupra ſub pœnâ prædictâ firmiter injungentes, ea omnia & ſingula à Cancellario & Univerſitate prædictis perpetuis temporibus inviolabiliter obſervari. In quorum omnium teſtimonium has literas noſtras ſeu præſens publicum infrà ſcriptum ſcribi & publicari mandavimus. Ac nos *Londonienſis*, *Elienſis*, *Menevenſis*, & *Saresberienſis* Epiſcopi ſupradicti ſigillorum noſtrorum appenſionibus fecimus communiri. Dat. & act. in Eccleſiâ *Sancti Pauli London.* primo die menſis *Julii*, anno ab incarnacione Domini ſecundum curſum & computationem Eccleſiæ *Anglicanæ*, Milleſimo tricenteſimo ſeptuageſimo ſexto, Indictione 14. Pontificatûs ſanctiſſimi in Chriſto Patris & Domini noſtri Domini *Gregorii* divinâ providenciâ Papæ undecimi anno ſexto, Præſentibus tunc ibidem venerabilibus & diſcretis viris Magiſtris *Edmundo* de *Stafford* Canonico *Lincoln.* *Johanne Codeford* Archidiacono *Wiltſh.* *Adam* de *Mettrum* Baccallario in Decretis, & *Gilberto Stone*, *Matthæo Meyvot*, & *Roberto Delfal*, publicis Apoſtolicâ auctoritate Notariis, nec non *Johanne Berton.* dictæ Univerſitatis Bedello, & aliis in multitudine copioſâ teſtibus rogatis ſpecialiter ad præmiſſa. ſſ. Et ego *Johannes Prophet* Clericus *Menevenſis* Dioceſis, publicus Apoſtolicâ auctoritate Notarius præmiſſis ordinacioni, ſtatuto & diffinicioni, ac omnibus aliis & ſingulis dum ſic ut in ſupraſcriptâ ſentenciâ præmittitur agerentur, & fierent ſub anno, Indictione, Pontificatu, menſe, die & loco prædictis, unà cum prænominatis teſtibus præſens interfui, eaque omnia

omnia & ſingula ſic fieri vidi & audivi, ſcripſi, ac de mandato dictorum reverendorum patrum præcedencium in hanc publicam formam redegi, meiſque ſigno & nomine conſuetis ſignavi, rogatus in fidem & teſtimonium præmiſſorum. Nos autem Ordinaciones prædictas prout per prædictos Epiſcopos factæ exiſtunt, nec non literas ipſorum Epiſcoporum inde confectas, & omnia & ſingula in eiſdem literis contenta, pro nobis & hæredibus noſtris quantum in nobis eſt acceptamus, approbamus, ratificamus & confirmamus imperpetuum, prout dictæ literæ teſtantur. *In cujus &c. Teſte Rege apud Weſtm.* 8 *die Julii, Anno regni noſtri Angliæ* 50. *regni verò Franciæ* 37.

Pro dimidiâ marcâ ſolutâ in Hanaperio.

Theſe Ordinances were exemplified verbatim, *and confirmed by King* Rich. II. *in the* 20*th Year of his Reign, in theſe Words:* —— Nos autem Literas & Ordinationes prædictas, & omnia & ſingula in eis contenta rata habentes & grata, ea pro nobis & hæredibus noſtris quantum in nobis eſt, acceptamus, approbamus, ratificamus & confirmamus, ſicut literæ prædictæ rationabiliter teſtantur. *In cujus, &c. T. R. apud Weſtm.* 8 *die April.*

Pro dimidiâ marcâ ſolutâ in Hanaperio.

REX *univerſis & ſingulis Vicecomitibus, Majoribus, Ballivis, Miniſtris & aliis fidelibus & ſubditis noſtris, tàm infra libertates quam extra, ad quos, &c. Salutem.* Quia diſſenſiones & debatas inter Magiſtros & Baccalarios in Theologiâ

Pat. 50. *E.* 3. *pars* 1. *intus. de Protectione pro Scolaribus Oxon.*

ologiâ in Univerſitate Villæ *Oxon.* ex unâ parte, & Baccalarios in Jure *Canonico* & *Civili* ex alterâ parte occaſione quorundam Statutorum ibidem de novo editorum motæ ſunt & ſubortæ, coram Prælatis & aliis Magnatibus Regni noſtri Angliæ decrevimus fore terminand. Ac volentes proinde ipſos Baccalarios in Jure *Canonico* & *Civili*, ac alios ſtudentes in eiſdem facultatibus, ne contingat ipſos in ſtudio ſuo & gradu in hac parte ſuſcipiendo impediri, favore proſequi gratioſo, ac ſtatum & gradum eorum interim ſervari pacificè & quietè, abſque innovacione ſeu occaſione vel impedimento quoviſmodo faciend. aliter quam ante brigam & rixam prædictas fieri conſuevit, ſuſcepimus ipſos Baccalarios in Jure *Canonico* & *Civili*, & omnes & ſingulos ſtudentes in eiſdem facultatibus, ac ſtatum & gradum eorum in protectionem & defenſionem noſtram ſpecialem. Et ideo vobis & cuilibet veſtrûm injungimus & mandamus, quatinus ipſos omnes & ſingulos Baccalarios & ſtudentes in Jure *Canonico* & *Civili*, ac ſtatum & gradum ipſorum manuteneatis, protegatis & defendatis, non inferentes eis ſeu eorum alicui inferri permittentes injuriam, moleſtiam, dampnum, violenciam, impedimentum aliquod ſeu gravamen. Et ſi quid eis forisfactum ſive injuriatum fuerit, id eis ſine dilatione corrigi faciatis. *In cujus &c. Teſte Rege apud Weſtm.* 27 die Febr.

Pat. 50. *E.* 3. *M.* 35. *dorſo. De Cuſtodibus Pacis in villâ Oxon. conſtitutis.*

REX dilectis & fidelibus ſuis Cancellario Univerſitatis Oxon. *vel ejus vices gerenti, ac Majori ejuſdem Villæ qui nunc ſunt, vel qui pro tempore erunt, & Waltero Perle, David Hannemere, & Johanni de Baldyngton, ſalutem.* Sciatis, quod aſſignavimus vos conjunctim & diviſim ad pacem noſtram, nec non ad ſtatuta apud *Wynton. Northt.* & *Weſtm.* pro conſervacione pacis

cis ejuſdem edita in ſomnibus & ſingulis ſuis articulis in villâ *Oxon.* & in ſuburbio ejuſdem cuſtodiend. & cuſtodiri faciend. & ad omnes illos quos contra formam ſtatutorum prædictorum delinquentes inveneritis caſtigand' & puniend. prout ſecundum formam Statutorum eorundem fuerit faciendum, & ad omnes illos qui aliquibus de populo noſtro de corporibus ſuis vel de incendiis domorum ſuarum minas fecerint, ad ſufficientem ſecuritatem de pace & bono geſtu ſuo erga nos & populum noſtrum inveniendam coram vobis venire, & ſi hujuſmodi ſecuritatem invenire recuſaverint, tunc eos in priſonâ noſtrâ quouſque hujuſmodi ſecuritatem invenerint ſalvâ cuſtodiâ faciend. aſſignavimus, &c. Nolumus autem quod vos præfati Major, *Walter. David*, & *Johannes*, de aliquibus de quibus Cancellarius Univerſitatis prædictæ ſolus, virtute libertatum Univerſitati villæ prædictæ per nos & progenitores noſtros conceſſarum cognicionem habere debet, colore præſentis aſſignacionis noſtræ in aliquo intromittatis. *In cujus*, &c. *T. R. apud Weſtm.* 13 *die Febr.*

REX dilectis ſibi Magiſtro Johanni Marre Doctori ſacræ Theologiæ, Magiſtro Johanni Packwode Doctori Decretorum, Magiſtro Philippo Bryan, & Magiſtro Thomæ de Mountagu Juris *Civilis* Baccalario, Salutem. Sciatis, quòd cùm, ut accepimus, factâ & celebratâ in Univerſitate noſtrâ *Oxon.* in craſtino Purificationis beatæ Mariæ prox. præterito, quadam congregatione modo & formâ quibus decuit, juxta ſtatuta & privilegia Univerſitatis prædictæ, ac certis gratiis, diſpenſationibus & reconciliationibus diverſis perſonis ibidem, ut eſt moris, debitè factis & conceſſis, quidam Magiſtri in Artibus de dictâ Univerſitate, qui dictæ congregationi

Pat. 51. Ed. 3. pars 1. m. 28. dorſo. De Diſcordiis, &c. in Univerſitate Oxon. ſedand.

gationi ex malitiâ & negligentiâ ſuâ propriâ non intererant, ac alii fautores & complices ſui nonnullis perſonis facientibus gratias, diſpenſationes & reconciliationes hujuſmodi, ac eas optinentibus invidentes, eaſdem gratias, diſpenſationes & reconciliationes pro viribus impedire procuraverint, & nitantur, & tam eas quam congregationem prædictam, ſi illorum poteſtas voluntatibus ſuis reſponderet, caſſare vellent totaliter & adnullare, & ſic diverſæ manutenentiæ, conventicula illicita, diſſenſiones & diſcordiæ ibidem habita ac facta exiſtant, quæ niſi celerius per nos pacificata fuerint & ſedata, in ſtatutorum & privilegiorum prædictorum læſionem & enervationem, ac Scholarium ſtudentium in Univerſitate prædictâ perturbationem, commotionem & terrorem, ac totius Univerſitatis illius ſcandalum & opprobrium tendet manifeſtè: Nos volentes hujuſmodi voluntariæ malitiæ & periculis prout convenit obviare, & omnimodas diſſenſiones & diſcordias ibidem habitas, ut per hoc ſtatuta & privilegia prædicta abſque violatione cuſtodiantur, & ſcholares prædicti honeſtati moribus & ſtudiis vigilantiùs & quietiùs vacent & intendant, ut tenemur, abolere; Et de circumſpectione & diſcretione veſtris pleniùs confidentes, aſſignavimus vos & tres veſtrum ad inquirendum, & vos congruis viis & modis quibus melius & celerius expedire videritis informand. utrum prædicta congregatio ac dictæ conceſſiones gratiarum, diſpenſationum & reconciliationum debitæ factæ fuerunt, ſecundum formam ſtatutorum & privilegiorum prædictorum nec ne? & ſi ſic, tunc ad eaſdem congregationem, gratias, diſpenſationes & reconciliationes affirmand. & noſtro nomine roborand. & quibuſcumque vobis in hac parte reclamantibus vel contrariis ſilentium imponend.

nec

nec non ad diſſenſiones & diſcordias prædictas, & earundem cauſas & circumſtantias examinand. ſedand. pacificand. decidend. & finaliter terminand. & ad nos de nominibus vobis contrariantium in præmiſſis, ſi qui fuerint, in Cancellariâ noſtrâ ſub ſigillis veſtris vel trium veſtrûm certificand. ut pro eorum punitione ulteriùs fieri faciamus quod juſtum fuerit & ration . Et ideo vobis mandamus, quòd circa præmiſſa cum omni ſolicitudine & efficaciâ intendatis, & eâ faciatis & exequamini, decidatis & terminetis, in formâ prædictâ. Damus autem Cancellario & Procuratoribus, ac Regentibus & Non-regentibus, & quibuſcumque aliis Univerſitatis prædictæ, nec non Vic. ac Majori & Ballivis *Oxon.* tenore præſentium, in mandatis, quòd vobis & tribus veſtrûm in præmiſſis intendentes ſint, conſulentes, reſpondentes & auxiliantes, quotiens & prout per vos vel tres veſtrûm ſuper hoc requiſiti fuerint ex parte noſtrâ. *In cujus, &c. Teſte Rege apud Weſtm. 26 die Februarii.*

REX *Cancellar. & Procuratoribus Univerſitatis Oxon.* qui nunc ſunt, vel qui pro tempore fuerint, ſalutem. Zelo fidei Chriſtianæ, cujus ſumus & ſemper eſſe volumus defenſores, moti ſalubriter & inducti, volentes ſummo deſiderio impugnatores dictæ fidei, qui ſuas pravas & perverſas doctrinas infra regnum noſtrum Angl. ſeminare, & dampnatas concluſiones eidem fidei notoriè obviantes, tenere & prædicare jam noviter peſſimè præſumpſerunt & conantur, in perverſionem populi noſtri, ut accepimus, antequam ulteriùs in ſuis procedant erroribus & maliciis, vel alios inficiant, reprimere, & condignâ caſtigatione cohercere; Aſſignavimus vos ad inquiſitionem generalem, aſſiſtentibus vobis omnibus Theologis Univerſitatis prædictæ regentibus

Pat. 6. R. 2. pars 1. m. 32. De banniand. & expellend. a villâ Oxon. omnes fautores & receptatores certorum hæreticorum, &c.

gentibus faciend. ab omnibus & ſingulis Graduatis, Theologis & Juriſtis Univerſitatis ejuſdem, ſi quos de juriſdictione Univerſitatis illius agnoverint, qui ſint eis probabiliter ſuſpecti de favore, credentiâ, vel defenſione alicujus hæreſis vel erroris, & maximè quarundam concluſionum per venerabilem patrem *Willielmum* Archiepiſcopum *Cantuar.* de conſilio ſui cleri publicè dampnatarum, vel etiam alicujus concluſionis alicui earundem conſimilis in ſententiâ vel in verbis; & ſi aliquos de cætero inveneritis, qui quicquam prædictorum hæreſium vel errorum, vel quemcumque conſimilem crediderint, foverint, ſeu defenderint, vel qui Magiſtros *Johannem Wycliff*, *Nicholaum Herford*, *Philippum Reppyngdon*, vel *Johannem Aſton*, vel aliquem alium de aliquo prædictorum hæreſium vel errorum, ſeu alio ſimili in verbis vel ſententiâ probabili ſuſpectione notatum, in domos & hoſpitia ausi fuerint receptare, ſeu cum eorum aliquo communicare, vel ſibi defenſionem aut favorem præbere præſumpſerint aliqualem, ad hujuſmodi fautores, receptatores, communicantes & defenſores, infra ſeptem dies poſtquam præmiſſa vobis conſtiterint, ab Univerſitate & villâ *Oxon.* banniend. & expellend. donec coram Archiepiſcopo *Cantuar.* pro tempore exiſtente ſuam innocentiam manifeſtâ purgatione monſtraverint; *Ita tamen*, ut ſe purgare cogantur, ipſos tales eſſe nobis & eidem Archiepiſcopo de tempore in tempus infra menſem ſub ſigillis veſtris certificetis. Mandantes inſuper quòd per univerſas aulas Univerſitatis prædictæ diligenter inquiri & ſcrutari fac. indilatè, ſi quis aliquem librum ſive tractatum de editione vel compilatione prædictorum Magiſtrorum *Johannis Wycliff* vel *Nicholai* habuerint, & quòd librum illum ſive tractatum, ubicumque contigerit inveniri, areſtari,

ſtari, capi, & præfato Archiepiſcopo infra menſem, abſque correctione, corruptione, ſeu mutatione quâcumque, quo ad ejus ſententiam vel verba, præſentari fac. Et ideò vobis in fide & ligeantiâ quibus nobis tenemini, & ſub foriſfacturâ omnium & ſingulorum libertatum & privilegiorum Univerſitatis prædictæ, & omnium aliorum quæ nobis forisfacere poteritis, injungimus & mandamus, quòd circa præmiſſa bene & fideliter exequenda diligenter intendatis, & ea fac. & exequamini in formâ prædictâ: Et quòd præfato Archiepiſcopo, & ejus mandatis licitis & honeſtis, vobis in hac parte dirigend. pareatis, prout decet. Damus autem *Vic.* & *Majori Oxon.* pro tempore exiſtentibus, ac univerſis & ſingulis *Vicecomitibus*, *Majoribus*, *Ballivis*, *Miniſtris*, & aliis fidelibus & ſubditis noſtris, tenore præſentium, in mandatis, quòd vobis in executione præmiſſorum auxilientur, pareant & intendant. *In cujus, &c. Teſte Rege apud Weſtm.* 13° *die Julii.*

Per Conſilium.

Pat. 14. *R.* 2. *pars* 1. *m.* 6, *De Fratribus apoſtat. ad gradum magiſterii non promovend.*

REX *omnibus ad quos &c. ſalutem.* Suppliçârunt nobis Fratres ordinis prædicatorum in regno noſtro Angl. ut cùm prædictus ordo inſtitutus fuerit in ſubſidium Eccleſiæ, & ad expugnand. hæreſes & errores, & ad prædicand. populo verbum Dei, ad quæ ſcientia & bona vita maximè requiruntur, in quibus Doctores prædicti ordinis in Univerſitatibus *Oxon.* & *Cantebrig.* per præſentationem dicti ordinis conſueverant examinari, & ſic ad gradum Magiſterii promoveri; & nunc quidam Fratres dictorum regni & ordinis notabiliter vicioſi, ut puta apoſtatæ, & propter ſua ſcelera carceribus in ordine condempnati, mare tranſeuntes, ſubdolè

&

& fraudulenter procurant ſibi gradum Magiſterii & alias exemptiones, in detrimentum Eccleſiæ, læſionem fidei Catholicæ, & præjudicium & ſcandalum noſtrum & regni noſtri, ac verecundiam ordinis antedicti; velimus ob zelum Dei, & fidei quem habemus ad Eccleſiam & ordinem antedictum, ſuper præmiſſis de remedio congruo providere. Nos igitur ordinem antedictum & ſtatum ejuſdem cordi ſpecialiter habentes, damus univerſis & ſingulis Fratribus regni noſtri ordinis antedicti, tenore præſentium, firmiter in mandatis, quatenus ipſi ſub forisfacturâ omnium quæ nobis forisfacere poterunt, nullum Fratrem apoſtatam ejuſdem ordinis, ſeu in ordine antedicto carceri condempnatum, ſeu notabiliter vicioſum, qui ſibi gradum Magiſterii ſeu gratias exemptorias procuravit, admittant ad libertates, honores, ſeu favores Doctoribus in Theologiâ in ordine prædicto conſuetos, nec alicui tali Fratri faveant in aliquo præmiſſorum, ſed omnem talem Fratrem ſolummodo ſecundum converſationem ſuam & demerita & ſtatuta dicti ordinis pertractent, & etiam quantùm poterunt nullum tamen apoſtatam ſeu notabiliter vicioſum colerent ſeu permittant gratiis ſeu hujuſmodi privilegiis exemptoriis gaudere, ſed procurantem tales gratias exemptorias, ſeu eiſdem utentem, ſub pœnâ præmiſſâ, ſecundum regulam dicti ordinis & ſtatuta, tanquam ſuis profeſſioni & ordini contrarium, tractent in omnibus, ſecundum ſui ordinis diſciplinam. *In cujus, &c. Teſte Rege apud Weſtmonaſterium primo die Decembris.*

Per Breve de Privato Sigillo.

QUIA

QUIA insuper nova via frequentiùs seducit quàm antiquâ; Volumus & mandamus, quòd nullus libellus, sive tractatus, per Magistrum *Johannem Wyckliff*, aut alium quemcumque tempore suo, aut citra, noviter compositus, sive in posterum componendus, amodò legatur in scholis aut hospitiis, seu locis aliis quibuscumque infra nostram Provinciam antedictam, sive secundum ipsum doceatur, nisi per Universitatem *Oxon.* aut *Cantebrig.* seu saltem 12 personas ejusdem, quas eædem Universitates aut altera earundem, sub nostrâ successorumve nostrorum discretione notabile duxerint eligendas, primitùs examinetur, & examinatus unanimiter per easdem, deinde per nos seu successores nostros, expressè approbetur: & Universitatis nomine & auctoritate stationariis tradatur, ut copietur, & factâ collatione fideli petentibus vendatur justo pretio, sive detur, originali in civitâ aliquâ Universitatis ex tunc perpetuò remanente. Quòd si quis libellum vel tractatum hujusmodi in scholis vel alibi, ut suprà, legerit, sive secundùm ipsum docuerit, contra formam supradictam, ut seminator scismatis & fautor hæresis puniatur, prout delicti qualitas flagitaverit.

Constit. Provinciales Tho. Arundellis Cant. Archiep. in Convocatione cleri ipsius Provinciæ Oxon. *celebratæ A. D.* 1408. *& publicatæ in Eccles. S. Pauli Lond. in præsentiâ suorum suffraganeorum, An.* 1409. *Jodocus Badius Constit. Provincial. ab Archiepisc. Cant. edit. f.* 153. *Provincialis Guielmi Lindewode, l.* 5. *Tit. de Magistris, f.* 205, 206. *H. Spelmanni Concilia, Tom.* 2. *p.* 665.

Statuimus igitur & ordinamus, ut nemo deinceps textum aliquem sacræ scripturæ, auctoritate suâ, in linguam Anglicanam, vel aliam, transferat, per viam libri, vel libelli, aut tractatûs; nec legatur aliquis hujusmodi libellus, aut tractatus, jam noviter tempore dicti *Johannis Wycliff*, sive citra, compositus, aut in posterum componendus, in parte vel in toto, publicè vel occultè, sub pœnâ majoris excommunicationis, quousque per loci diocesanum, seu, si res exegerit,

exegerit, per Concilium provinciale, ipsa translatio fuerit approbata. Qui verò contra hoc fecerit, ut fautor hæresis & erroris similiter puniatur.

Provincialis, l. 5. f. 205, &c.

William Lyndewood, *in his Gloss on the first of these Constitutions*, c. Johannem Wycliff, *hath this Addition.*

Hæresiarcum magnum, qui multas hæreses antiquas resuscitavit in Angliâ tempore suo, & ex cujus doctrinâ tota * Bohemia intoxicata extitit, & est de præsenti : in tantum quòd Papa *Martinus* quintus modernus contra ipsos Bohemos fidei orthodoxæ rebelles cruciatum erexit hoc anno domini M.CCCC.XXIX. sub ducturâ reverendissimi patris Domini Henrici tituli sancti Eusebii Presbyteri Cardinalis Angliæ, dicti Wynton. in partibus Germaniæ, Hungariæ, & Bohemiæ Apostolicæ sedis legati ; & dicti Johannis Wycliff corpus, quod erat sepultum in ecclesiâ parochiale de Loterworth, Lincoln. Diœcesis, ubi fuit rector, de † mandato & decreto sedis Apostolicæ fuit extrumatum, & ejus ossa combusta, cineribus eorundem projectis in proximum amnem, ad damnationem & deletionem memoriæ suæ, reverendo patre Domino *Richardo Flemyng*, Lincoln. Episcopo moderno præmissa exequente, anno Domini M.CCCC. XXVII.

* *Fox's* Acts and Monum. vol. 1. p. 606, 607.

† *Ibid.* p. 605, 606.

Parl. 11. *H.* 4. *n.* 50.

Item suppliount treshumblement sibien les Chivalers, Esquiers, & autres Gentiels des Countees d'Oxenford & Berk. come les Mair & Burgeyses de ville d'Oxenford, qe come nostre Seigneur le Roi ore tarde par disloial suggestion, ad graunt pur ses Lettres Patentes al Chanceller & Escolers del Universitee illoeqes, & lour successours a toutz jours, qils ne lour servantz,

ſervantz, ne null qe ſoit deſſout lour privilege, ne ſerroit mys a reſpoundre devant aſcune Jugge noſtre Seigneur le Roy de treſone, felonie, ou maheme, par eux fait deins la ville ou Countees ſuiſditz, ſi non devant lour ſeneſchal demeſne, & en meſme la ville; & filz pledent al iſſue de pays, qe la moite de lenqueſt ſerra pris par gentz queux ſount deſſouth lour privilege & lour ſervantz, retournez par les Bedelles du dicte Univerſitee; & qe cheſcun Jugge & Miniſtre noſtre Seigneur le Roi doit liverer a eux les Appelles & Inditements des matiers ſuiſditz, quant ils ſount par eux requis, ſur peyne de CC. L. le qele eſt molt encountre commune droit, la Ley du terre, & la regalte noſtre Seigneur le Roy, & overt matier pur faire debate & diſſencion entre l'Eſcolers illoeqes & les ſuppliantz avantditz, & autres lieges noſtre dit Seigneur le Roy. Pleaſe a noſtre Seigneur le Roy conſiderer la matier avantdit, & les mieſchiefs queux purront avenir en icelle partie, & qe les ditz Lettres Patentes en ceſte preſent Parlement ſoient repellez, adnullez, revokez, & tout outrement caſſez, & de ce en avant pur nulle tenuz.

Reſp. ſoit Briefe direct a Chaunceller *d'Oxenford* deſtre devant le Counſeill du Roy a Weſtmuſter a les Oeptaves de la Trinite procheins, pur y monſtre les Charters de Libertees & Fraunchiſees grauntees a la Univerſitee d'*Oxenford*, & ait meſme le Counſeil poair par auctorite de Parlement, appellez a eux les Juſtices & les Sergeantz du Roy, dexaminer le graunt fait de les ditz Liberteez & Fraunchiſees, & qe ſurce de tielz Libertees & Fraunchiſes come lour ſemble molt prejudicielx au Roy, ſoient modittez & refourmez ſolone lour ſages diſcrecions; & quant a les autres Libertees & Fraunchiſes compriſez en lour ditz Charters,

queux

queux ſont prejudiciels a mon Seigneur le Prince, ou a Leveſque de Wyncheſtre, ou as autres perſones qont libertees, celles parties, ſoient les conſeils ſibien de mon dit Seigneur le Prince, come le dit Eveſque, & de les autres perſones deſſuiſditz devaunt le dit Conceil, appellez a eux les Juſtices & Sergeantz deſſuiſditz, & oiez & entenduz lour reaſons dambe parts, face meſme le Counceil par auctorite de Parlement, ce qe meultz leur ſemblera en les matiers deſſuiſdites.

Pat. 11. H. 4. pars 2. m. 22. intus. De confirmatione Oriell.

REX omnibus ad quos, &c. ſalutem. Inſpeximus quaſdam Literas indentatas inter Cancellarium & Scholares Univerſitatis noſtræ Oxon. & Præpoſitum & Scholares Collegii noſtri de Oriell. ejuſdem Univerſitatis factas, in hæc verba. Omnibus Chriſti fidelibus præſentes indentatas Literas inſpectur. Nos Johannes Poſſell. Præpoſitus, & Scholares domûs beatæ Mariæ Oxon. Collegii de Oriell. aliàs Aulæ Regalis vulgariter nuncupatæ, Salutem. Cùm ex famâ veteri crebreſcente librorum & monumentorum antiquorum aſpectibus experimur, quòd quondam & ab antiquo domus quœdam in cemeterio Eccleſiæ beatæ Mariæ Virginis Oxon. ex parte Boreali Cancelli ſcituata Eccleſiæ ſupradictæ, domus Congregacionis Univerſitatis Oxon. vulgariter nuncupata, per quendam ab Univerſitatis quondam antiquo Scholarem licentiâ prœbiâ legitimâ omnium quorum interfuit in hac parte eliemoſinariè ædificata fuerat & conſtructa, per dictamque Univerſitatem, Cancellar. videlicet & Scholares antequam dictæ Eccleſiæ Beatæ Mariæ nobis & domui noſtræ ſupradictæ fuerat approbata, unita quomodolibet vel annexa, habita, poſſeſſa in diſpo-

diſpoſitioneque liberâ Univerſitatis antedictæ, ante, citra, & continuè in hunc diem recognicionis præſentium, tam in parte inferiori, quàm ſuperiori, cum omnibus ſuis pertin. unà cum libero & perpetuo ingreſſu & egreſſu ad eaſdem, cum poteſtate etiam liberâ aliam ſive novam domum, ibi, ſi voluerit, & cùm voluerit, ſeu quiſcumque alius vel quicumque alii Univerſitatis intuitu voluerit vel voluerint Cancellar. videlicet & Scholares antedicti, conſtruend. Cujus quidem domus Congregationis dominium, poſſeſſionem pacificam, uſumque quietum, & diſpoſitionem liberam, cum pertin. ejuſdem, ut prædicitur, per prædictos Univerſitatem, Cancellar. videlicet & Scholares, habitum & habitas, poſſeſſum & poſſeſſas, recognitum & recognitas, retentum & retentas ab antiquo prædeceſſores noſtri noſtræ domûs, noſtra etiam & nos domûs antedictæ, ſub ſigillo eorum, ejuſdem noſtrumque communi, poſtquam legitimè Eccleſia prædicta appropriata nobis fuerat & annexa Cancellar. & Scholaribus antedictis, in noſtrum noſtræ domûs & Eccleſiæ meliorationem, commodum & augmentum, in benefactorum compenſam diverſorum, tam in oblationibus gratuitis, ornamentiſque diverſis dictæ jam noſtræ Eccleſiæ per eoſdem Cancellar. & Scholares pluries certis anni feſtis & temporibus factis, gratuitéque conceſſis, in majus commodum, uberiorem etiam utilitatem dictæ noſtræ jam Eccleſiæ & domui redundantium, quàm uſus, diſpoſitionis liberæ vel poſſeſſionis pacificæ Congregationis domûs accreſceret ſupradictæ, oblationibus ornamentiſque prædictis non factis inibi nec conceſſis, à nobis etiam & Eccleſiâ noſtrâ retentis, ratificavit, confirmavit, conceſſit & recognovit, ratificârunt, confirmârunt, conceſſerunt & recognoverunt, ratificavimus,

ficavimus, confirmavimus, conceſſimus & recognovimus communi ſub figillo, reſervato eis nobiſque & domui noſtræ in futurum perpetuò denario annuo Anglicano in feſto Aſſumptionis beatæ Mariæ Virginis, ſi petitus fuerit, fideliter perſolvendo; reſervatis etiam oblationibus in domo prædictâ, tam inferiori quàm ſuperiori, in divinis, ſive ad ymaginem ymagineſve tempore quocumque ibidem impoſterùm exiſtentem vel exiſtentes, in pecuniis vel jocalibus offerendis, ſi quæ fuerint, nobis & Eccleſiæ ſupradictæ noſtræ impetracionibus ſeu conceſſionibus privilegiorum Domini noſtri Papæ vel cujuſvis alterius, dictis Univerſitati, Cancellar. videlicet & Scholaribus Congregationis prædictæ domuíve conceſſis, vel aliàs impetratis concedend. impoſterùm, vel quomodolibet impetrandis concedend. impoſterùm, vel quomodolibet impetratis in hâc parte non obſtantibus. Conſiderantes verò temporibus jam modernis, deſiderio etiam omni cordis, vocis, & operis realiter affectantes, quòd Univerſitas antedicta jure, dominio, uſu, poſſeſſione, diſpoſitioneque liberâ, tam ſub quàm ſupra, domûs Congregationis antedictæ, cum ſuis pertinen. unà cum libero & perpetuo ingreſſu & egreſſu ad eaſdem, inferiorem videlicet & ſuperiorem, cum poteſtate etiam liberâ aliam & novam domum ibi, ſi voluerint, & cùm voluerint, ſeu quiſcumque alius quicumqueve alii Univerſitatis intuitu devotè, eleemoſinariè, voluntariéve voluerit, Magiſtri videlicet & Scholares antedicti, conſtruend. benè, pacificè, plenè & uberè, pleniùs & meliùs fruantur, uberiùs & utantur, perpetuis temporibus extunc & impoſterùm exnunc futuris. Nos Præpoſitus & Scholares antedicti recognoſcentes, & per præſentes ſigillo noſtro communi roboratas & munitas

nitas recognoſcimus, ſcimus veraciter & fatemur, teſtimonium perhibentes in hâc parte veritati pro nobis & ſucceſſoribus noſtris perpetuò, quòd à tempore, ante & citra, illius liberæ diſpoſitionis continuè in hunc diem, Univerſitas antedicta, Cancellar. videlicet & Scholares, in illâ domo totali Congregationes antedictâ, tam altâ quàm baſſâ, cum pertin. ſuis, ut prædicitur, habuerunt, habere conſueverunt, quietè & juridicè habent & poſſident, uſque pacificè in hunc diem, prout nobis liquet manifeſtè per præſentes, in Univerſitatis, Thomæ Preſtbury Cancellar. videlicet Magiſtrorum & Scholarium præſentiâ, aſſerentibus, confitentibus, dicentibus ſæpiùs pluries, & ex certâ recognoſcentibus ſcientiâ, habuit & habuerunt, & jam habent diſpoſitionem liberam per conſuetudinem approbatam, poſſeſſionem, ut prædicitur, pacificam, legitiméque præſcriptam, per decem, viginti, triginta, quadraginta, quinquaginta, ſexaginta, ultra & citra, necnon per tempus & * tempora cujus contrarii memoria non exiſtit, * *Nota.* cum poteſtate, ut prædicitur, liberâ aliam & novam ibi domum conſtruend. cum libero & perpetuo ingreſſu & egreſſu ad eaſdem, cum pertin. ſuis, ut prædicitur, hîc expreſſis. Quam quidem domum cum pertin. ut prædicitur, ex cauſis præmiſſis, aliiſque legitimis, ſic per Univerſitatem, Cancellar. videlicet & Scholares antedictos, habitam, poſſeſſam, diſpoſitam & retentam, eidem Univerſitati traditam & recognitam, ratificatam, ut præfertur, conſuetudinatam per tempus & tempora † cujus contrarii † *Nota.* memoria hominum non extitit, laudabiliterque præſcriptam, penes Univerſitatem prædictam, Cancellar. videlicet & Scholares, exiſtere volumus, & perpetuò remanere, in boniſque Univerſitatis conſiſtere antedictæ: Nos, ſucceſſo-

reſque noſtros temporibus futuris perpetuis exiſtentes, ab omni juris & facti actione, petitione, clameo & titulo nobis, ſucceſſoribus noſtris & domui noſtræ beatæ Mariæ ſupradictæ, contra prædictos Univerſitatem, Cancellar. videlicet & Magiſtros, ratione, occaſione vel cauſâ domûs prædictæ Congregationis, cum pertin. & deſcriptionibus, ut prædicitur, competenti vel competitur. impoſterùm penitùs & perpetuò fore & eſſe excluſos & privatos & exutos, diſcernimus & fatemur per præſentes. Hoc excepto, quòd nos & ſucceſſores noſtri domum prædictam Congregationis ingredi poſſumus liberè, ſicut alii Univerſitatis Scholares gradûs conſimilis, prout moris eſt vel erit, cùm voluerint, ſupradictam. Salvis ſemper nobis & ſucceſſoribus noſtris, & realiter reſervatis Eccleſiæ noſtræ & domui in futur. perpetuo prædicto annuo denario, ſi petitus per nos vel noſtros fuerit ſucceſſores, oblationibus etiam nobis reſervatis ſub eiſdem modo & formâ clarè ſuperiùs expreſſatis, cum poteſtate liberâ nobis quæ ſubſequitur reſervatâ; videlicet, quòd ſi contingat dictum denarium annuum, vel oblationes in domo prædictâ factas, ſi quæ ſint, à retrò exiſtere in parte vel in toto, non ſolutum vel ſolutas, poſt trinam requiſitionem, Cancellar. Procuratoribus & Regentibus pro tempore exiſtentibus, tribus diebus in domo prædictâ Congregationis, ex cauſâ Congregationis vel Convocationis, prout moris eſt in unum congregatis, perhabentem ad hoc ſpecialem poteſtatem à domo prædictâ beatæ Mariæ eiſdem ſub eodem ſigillo communi oſtenſam, præſentibus annexo; quòd tunc bene liceat nobis & ſucceſſoribus noſtris dictam domum ſuperiorem tantùm ingredi, & ibidem bona exiſtentia etiam & domum occupare & retinere, quouſque de dicto denario & colla-

collacionibus à retrò exiſtentibus plenariè fuerit ſatisfactum, recognitione, conceſſione, relaxatione prædictis in aliquo non obſtantibus. Ut autem hujuſmodi conceſſio, confeſſio, recognitio, traditio & diſmiſſio domûs Congregationis prædictæ, per nos & noſtram domum factæ, conceſſæ, traditæ & diſmiſſæ per Univerſitatem etiam, Magiſtros & Scholares, ex hiis ſupraſcriptis & aliis, conſuetudinariè, legitimè, ulteriùs etiam memoriam hominum, ut prædicitur, laudabiliterque præſcriptam, noſtra etiam & domûs noſtræ confeſſio, recognitio & concordia præmiſſorum, uberiùs Univerſitati, Cancellario, Magiſtris & Scholaribus accreſcat & accreſcant, firmiùs etiam & ſolidiùs in Univerſitatis bonis conſiſtat perpetuò domus Congregationis antedictæ, ſine clameo, actione juris vel facti, remedio, impeticione, moleſtacione, inquietatione, perturbationéve aliquibus, niſi, ut præmittitur, per nos noſtroſve ſucceſſores, vel noſtram domum, aliquem vel alium nomine noſtro vel domûs noſtræ prædictæ, contra Univerſitatem, Cancellar. Magiſtros & Scholares, ratione, occaſione vel cauſâ domûs Congregationis prædictæ in inferiori & ſuperiori, & cum pertin. ut præfertur, impoſterùm movend. ſuſcitand. vel fiendis, Reverendiſſimus in Chriſto Pater & Dominus, Dominus *Thomas Arundell* Cantuar. Archiepiſcopus, totius Angliæ Primas, Apoſtolicæ ſediſque Legatus, in noſtræ domûs & Eccleſiæ melioracionem, commodum & augmentum domûs, contemplatione Congregationis antedictæ in uſus perpetuos Univerſitatis & quietos permanſuros exiſtere & permanere debere in futurum, quinquaginta marcas bonæ & legalis monetæ Anglicanæ nobis domuique Eccleſiæ noſtris prædictis realiter præmanibus perſolvit pro compenſâ majori concordiâque perhenni jam

inter nos propter hoc perpetuò ſolidat. & ex abundanti quiete ſempiternâ ſervand. fideliter partium prædictarum. In cujus rei teſtimonium partes prædictæ, Univerſitas videlicet & domus ſanctæ Mariæ antedictæ, ſigilla ſua hiis Litteris alternatim appoſuerunt. Dat. Oxon. in Eccleſiâ beatæ Mariæ Virginis decimo ſeptimo die menſis Martii, anno Domini Milleſimo CCCC. nono, & regni Regis Henrici poſt Conqueſtum, undecimo. Nos autem literas prædictas, ac omnia & ſingula in eiſdem literis contenta, rata habentes & grata, ea pro nobis & hæredibus noſtris, quantum in nobis eſt, acceptamus, approbamus, & tenore præſentium confirmamus, prout literæ prædictæ rationabiliter teſtantur. Et ulteriùs, ex mero motu noſtro, & ob internam affectionem, quam ad Univerſitatem noſtram prædictam gerimus, & habemus, de gratiâ noſtrâ ſpeciali conceſſimus præfatis Cancellar. & Scholar. & eorum ſucceſſoribus, quòd licet dicta domus Congregationis præfatis Cancellar. & Scholaribus poſt ſtatutum de religioſis de terris ſeu ten. ad manum mortuam non ponend. vel ante dictum ſtatutum ſeu aliud ſtatutum, cauſam, forisfacturam, vel quemcumque titulum, qui ad nos vel hæredes noſtros in dictâ domo pertinere poterit, data, conceſſa, vel appropriata fuerit, iidem tamen Cancellarius & Scholares, & eorum ſucceſſores, inde per nos vel hæredes noſtros, Juſtic. Eſcaetores, Ballivos vel Miniſtros noſtros vel hæredum noſtrorum quoſcumque, futuris temporibus, non impetantur, moleſtentur, inquietentur, vel graventur, ſet dictam domum habeant, & eâ gaudeant juxta effectum literarum prædictarum. In cujus, &c. T.R. apud Weſtm. 19 die Aprilis.

Per Breve de Privato Sigillo, & pro unâ Marcâ ſolutâ in Hanaperiâ.

REX

REX *Cancellar. Univerſitatis ſuæ Oxon. vel ejus Commiſſariis, ac dilecto Conſanguineo ſuo Magiſtro Richardo Courtenay, nec non Magiſtro Rogero Cotyngham, Clericis, ſalutem.* Quia ex relatu plurium certitudinaliter informamur, quòd complures riotæ, diſcordiæ, diviſiones & debatæ in Univerſitate prædictâ, inter nonnullos de eâdem Univerſitate jam de novo motæ exiſtunt & ſubortæ, per quæ pax noſtra ibidem lædi, ac alia quamplura nobis & coronæ noſtræ Regiæ præjudicialia, & populo noſtro dampnoſa, veriſimiliter generari formidantur, ſi ſuper hoc remedium congruum citiùs non adhibeatur: Nos præmiſſa debitè conſiderantes, ac dampnis & periculis quæ inde ſequi poſſunt obviare volentes, ut tenemur; Aſſignavimus vos, ſuper nominibus omnium & ſingulorum illorum de Univerſitate prædictâ, qui riotas, diſcordias, diviſiones & debatas prædictas, in formâ prædictâ moverunt, aut eas cauſârunt, vel adhuc manutenent, qualiter & quomodo, tam per inquiſitiones coram vobis per Clericos & gentes Laicas in formâ debitâ, & ibidem ante hæc tempora legitimè uſitatâ, capiend. quàm aliis viis & modis licitis & honeſtis, quibus meliùs ſciveritis ſeu poteritis debitè informand. & ad inquiſitiones hujuſmodi, unà cum certificatione totius facti veſtri in hâc parte, cùm præſens mandatum noſtrum fueritis executi, nobis in Cancellariam noſtram ſub ſigillis veſtris diſtinctè & apertè ſine dilatione mittend. unà cum hoc breve; ut hiis inſpectis, ulteriùs pro caſtigatione delinquentium prædictorum, de aviſamento Conſilii noſtri taliter providere & ordinare valeamus, quòd aliquis conſimilia in Univerſitate prædictâ movere, cauſare, aut manu-

Pat. 12. H. 4. m. 17. dorſo. De inquirendo.

tenere non audeat in futurum, caſtigatioque hujuſmodi omnibus aliis cedere valeat inexemplum talia perpetrandi. Et ideò vobis mandamus, quòd circa præmiſſa diligenter intendatis, & ea faciatis & exequamini in formâ prædictâ. Damus autem *Vic. noſtro Oxon.* ac *Majori & Ballivis Villæ Oxon.* nec non aliis fidelibus ligeis & ſubditis noſtris ibidem, tam infra libertates quàm extra, tenore præſentium firmiter in mandatis, quòd vobis in executione præmiſſorum intendentes ſint, conſulentes & auxiliantes, prout decet. *In cujus, &c. Teſte Rege apud Wyndeſore, 24 die Aprilis.*

Clauſ. 28. E. 1. m. 3. dorſo. REX *dilectis ſibi in Chriſto Cancellario & Univerſitati Oxon. ſalutem.* Quia ſuper jure & dominio quæ nobis in regno *Scotiæ* competit, & quæ anteceſſores noſtri Reges *Angliæ* in eodem regno *Scotiæ* habuerunt temporibus retroactis, cum juriſperitis & aliis de Conſilio noſtro ſpeciale colloquium habere volumus & tractatum. Vobis mandamus firmiter injungentes, quòd quatuor vel quinque de diſcretioribus & in jure ſcripto magis expertis Univerſitatis prædictæ, ad Parliamentum noſtrum apud Lincoln. mittatis; ita quòd ſint ibi in Octabis ſancti *Hillarii*, nobiſcum & cum cæteris de Conſilio noſtro ſuper præmiſſis tractaturi, veſtrumque conſilium impenſuri: & hoc, ſicut nos & honorem & commodum regni noſtri diligitis, nullatenùs omittatis. *Teſte Rege apud le Roſe, 28 die Septembris.*

Eodem modo mandatum eſt Cancellario & Univerſitati Cantebr. quòd mittant ad dictum Parliamentum duo vel tres de diſcretioribus & magis in jure ſcripto expertis Univerſitatis prædictæ, &c. Teſte ut ſupra.

EX-

EXcellentiſſimo Principi & Sereniſſimo Domino, Domino E. Dei gratiâ Illuſtri Regi Angl. ſui (ſi placet) Cancellarius Univerſitatis *Oxoniæ*, cætuſque unanimis Magiſtrorum, Devotionis obſequium, & reverentiæ debitum cum honore. Literas Regiæ Majeſtatis ſuſcepimus, continentes, ut ad veſtrum Parliamentum *Lincoln.* pro arduis Regni negotiis pertractandis cum cæteris de conſilio, quatuor ſaltem mitteremus Magiſtros. Sanè præceptis Regiis obtemperare propenſius congaudentes, ſerenitati Regali Magiſtros quatuor deſtinamus, quorum facta & nomina apud Scholaſticos † extolluntur, viros utique Scientiâ Juris præditos, & moribus venuſtatos, veſtrique honoris & famæ fervidos zelatores: Rogantes humiliter, ut Regiæ liberalitatis immenſitas & affluentia bonitatis ipſos dignetur recommendatos habere, atque remittere, proſperatis veſtro pro beneplacito negociis expeditis: Dierum longitudinem cum ſalute adjiciat vobis ille per quem Reges regnant, & Principes dominantur. *Bundel. Brevium & Literar. An.* 28. & 29. *E.* 1. *in Turri Lond.* † *Nota.*

EXcellentiſſimo Principi Domino, Domino Edwardo, *Dei gratiâ, Regi Angliæ Illuſtri, devoti ſui Cancellarius* Cantebrig. & tota Univerſitas cum humili recommendatione; ſeipſos ad mandata paratos, & in Rege Regum feliciter triumphare. Ad mandatum Serenitatis veſtræ providos viros & diſcretos Magiſtros *Simonem de Waldene* Monachum, & *Hugonem Sampſonem* Juriſperitos, ad veſtræ Dominationis præſenciam deſtinamus; ut in viis quæ vos & regimen veſtrum contingere dinoſcuntur, pareant in omnibus & intendant. Conſervet vos, *&c.* *Ibidem.*

REX

Pat. 1. E. 3. pars 1. m. 13. intus. Pro Universitate Cantebrigg. de mulieribus publicis extra dictam villam amovend.

REX *omnibus ad quos, &c. ſalutem.* Dignum eſſe cenſemus & gratum altiſſimo non immerito reputamus, quieti & honeſtati Scholarium taliter providere, ut ipſi ſubtractis quibuſcumque occaſionibus ex quibus vagandi materiam valeant aſſumere ſeu aliter delinquendi, ſtudiis & diſciplinis ſcholaſticis intendant aſſiduè ſicut decet. Conſiderantes itaque, quod per mulieres publicas, ſi in villâ *Cantebrig.* vel ſuburbio ejuſdem moram trahere ſinerentur, dampna & pericula quamplurima multociens evenire, & juvenes ibidem ſtudentes juvenili laſciviâ ſtimulante, per mulieres hujuſmodi decipi poterunt de facili & fraudati, ſtudium deſerendo, propriiſque voluptatibus adherendo; conceſſimus, quod nulla publica mulier infra dictam villam *Cantebr.* vel ſuburbium ejuſdem converſetur & moretur. Et quod ſuper hoc ad denunciationem Cancellarii Univerſitatis *Cantebr.* vel ejus Vices-gerentis, quædam proclamatio ſeu inhibitio ex parte noſtrâ per Majorem & Ballivos dictæ Villæ, quater in anno vel pluries ſi neceſſe fuerit, fiat in eâdem villâ. Et ſi aliquæ hujuſmodi mulieres ultra tres dies poſt proclamationem ſeu inhibitionem hujuſmodi in villâ prædictâ vel ſuburbio ejuſdem inveniantur converſantes, tunc ad denuntiationem dicti Cancellarii, vel ejus Vices-gerentis, per Majorem & Ballivos villæ prædictæ, qui pro tempore fuerint, capiantur & in priſonâ noſtrâ villæ illius impriſonentur, quouſque per ipſum Cancellarium vel ejus Vices-gerentem inde fuerint deliberatæ. *In cujus, &c. Teſte Rege apud Not. 23. die Octobr.*

Per ipſum Regem.

REX

REX *omnibus ad quos, &c. ſalutem.* Sciatis, quod ad fructus uberes, quos dilecta nobis Univerſitas Cantebrigg. Mater & Propagatrix ſtudentium peritorum in Eccleſiâ Dei ſuâ fecunditate produxit, & etiam ad locum bonum quem fructuoſi palmites, ex ipſius Univerſitatis gremio prodeuntes, nobis & Progenitoribus noſtris in Conſiliis & agendis aliis tenuerunt & tenere poterunt in futuro, dignæ conſiderationis intuitum dirigentes: ac penſantes, quod ſtudentes ibidem tanto libentiùs & avidiùs proficere poterunt in ſtudio, quanto magis à laicorum & aliorum inquietudine liberi fuerint & quieti. Volentéſque conſideratione præmiſſâ dictam Univerſitatem favoribus proſequi gratioſis; volumus & concedimus pro nobis & hæredibus noſtris Cancellar. Magiſtris & Scholaribus Univerſitatis prædictæ, & ſucceſſoribus ſuis, quod in cauſis Clericorum ejuſdem Univerſitatis, ex mutuis datis & receptis ac taxationibus & locacionibus Domorum, equis conductis, venditis ſeu commodatis, ac pannis & victualibus mutuum habentibus, & aliis quibuſlibet rerum mobilium contractibus in villâ Cantebrig. ſeu ſuburbiis ejuſdem ortum habentibus, prohibicio noſtra vel hæredum noſtrorum de cætero aliquibus futuris temporibus non currat, nec locum habeat, ſed cauſæ hujuſmodi coram Cancellar. Univerſitatis prædictæ, qui pro tempore fuerit, vel ejus Commiſſar. vel ejus locum tenente, non obſtantibus hujuſmodi Prohibicionibus Regiis perpetuò decidantur. Volumus etiam & concedimus pro nobis & hæredibus noſtris, quod quilibet Burgenſis dictæ villæ pro familiâ ſuâ & ſervientibus ſuis, reſpondeat in empcionibus & vendicionibus vini & aliorum victualium quo-

Pat. 17. E. 3. pars 2. m. 23. intus. Pro Univerſitate Cantebr.

quorumcunque, ipſorum Burgenſium, tam in ſuburbiis quam villâ prædictis vendicioni expoſitorum, ubi Scholaris eſt una parcium, ipſis Burgenſibus de exceſſibus & injuriis per familiam vel ſervientes ſuos in hujuſmodi empcionibus & vendicionibus factis, per præfatum Cancellar. vel ejus Vices-gerentem ſemel vel bis ſi opus fuerit primitus debitè præmunitis. Et quod dictus Cancellar. vel ejus Commiſſar. aut Locumtenens qui pro tempore fuerit, cognicionem de hujuſmodi exceſſibus & injuriis in emptionibus & vendicionibus prædictis ubi ſcholaris eſt una pars, ut prædicitur, habeat, & delinquentes in hâc parte punire faciat, prout decet. Inſuper, cum Cancellar. Univerſitatis prædictæ pro quiete ejuſdem Univerſitatis, & conſervacione pacis noſtræ ibidem, ac malefactorum maleficiis refrenandis Clericos in eâdem Univerſitate delinquentes, tam pro ſuſpicionibus & aliis cauſis diverſis pro majoribus dampnis & periculis evitandis, quam pro delictis ſuis inveſtigari & capi facere ſæpiùs & diverſimode oporteat, & committere cuſtodiæ carcerali, & idem Cancellar. metuat ſe ad proſecutionem hujuſmodi Impriſonatorum de impriſonamentis illis impoſterum prægravari, & nobis ſit ſupplicatum, ut indempnitati Cancellarii dictæ Univerſitatis velimus proſpicere in hâc parte: *Nos* conſiderantes, quòd Pax noſtra ibique inviolabilitur obſervetur, & delinquentes in eâdem Univerſitate ad majorem quietem & tranquillitatem ejuſdem debitè caſtigentur; ac volentes Cancellarii Univerſitatis prædictæ pro tempore exiſtentis ſecuritati in præmiſſis providere, volumus & concedimus pro nobis & hæredibus noſtris, quantum in nobis eſt, quod Cancellarii ejuſdem Univerſitatis qui hactenus fuerunt; vel ex nunc erunt, aut eorum Commiſſarii vel Loca-tenentes,

tes, occaſione impriſonamentorum Scolarium dictæ Univerſitatis, ſeu aliorum per ipſos Cancellarios pro conſervatione pacis & quiete Univerſitatis prædictæ, ac punicione & caſtigacione malefactorum hujuſmodi ibidem hactenus impriſonatorum, ſeu ex nunc impriſonandorum, illorum videlicet, qui in eâdem Univerſitate in villâ & ſuburbiis prædictis Scolaribus ſeu eorum ſervientibus, aut aliis de juriſdictione Univerſitatis prædictæ delinquentes inventi, ſeu de maleficiis ibidem perpetratis notoriè ſuſpecti vel convicti fuerint, per Brevia noſtra, vel hæredumnoſtrorum de audiendo & terminando, vel de falſo impriſonamento, ſeu quovis alio colore in curiis noſtris vel hæredum noſtrorum ſive aliis, aut alibi nullatenus occaſionentur, inquietentur, moleſtentur in aliquo ſeu graventur. In cujus, &c. *Teſte Rege apud Weſtm.* 19 *die Septembr.*

REX *omnibus ad quos, &c. ſalutem.* Ut Magiſtri & Scholares Univerſitatis noſtræ *Cantebrig.* ſuis ſtudiis & ſcholaſticis actibus vacent tranquillius & intendant, & ipſi ac alii ſub juriſdictione Cancellar. dictæ Univerſitatis exiſtentes, eo vigilantiùs ab exceſſibus, offenſis, contumaciis & injuriis ſe abſtineant committendis, quo commiſſa noverint propinquiùs puniend. de gratiâ noſtrâ ſpeciali, & ad inſtantiam dilecti nobis in Chriſto fratris *Thomæ Ruſſhok* de ordine Prædicatorum, Confeſſoris noſtri, conceſſimus, quod Cancellar. Univerſitatis prædictæ, qui pro tempore fuerit, per literas ſuas patentes Cancellar. noſtro *Angl.* pro tempore exiſtenti ſignificare poſſit, & certificare, de nominibus ſingulorum de juriſdictione præfati Cancellar. *Cantebrig.* qui majoris excommunicationis vinculo *Pat. 6. R. 2. pars 2. M. 2. intus. Pro Univerſitate Cantebrig.*

vinculo fuerint innodati, & quod dictus Cancellarius noſter *Angl.* qui pro tempore fuerit, Brevia noſtra in Cancellar. noſtrâ fieri, & ſub magno ſigillo noſtro conſignari faciat pro captione illorum de juriſdictione prædictâ, qui ſic per dictum Cancellar. *Cantebrig.* fuerint excommunicati, & per quadraginta dies perſeveraverint in eâdem, ad ſignificationem ſive certificationem ipſius Cancellar. *Cantebrig.* ſupradictam, per quinquennium prox. jam ventur. prout ad ſignificationem & certificationem Epiſcoporum *Angl.* præfato Cancellar. *Angl.* faciend. de excommunicatis auctoritate ipſorum Epiſcoporum hujuſmodi capiend. fit & fieri conſuevit, & * prout Cancellar. Univerſitatis *Oxon.* hujuſmodi privilegium ex conceſſione noſtrâ per certum tempus dinoſcitur optinere. *In cujus, &c. per dictum quinquennium duratur. Teſte Rege apud Weſtm.* 8 *die Aprilis.*

Per Breve de Privato Sigillo, & per finem dimid. marc.

Bulla Sixti IV. *ad confirmandas Chartas Univerſitatis* Oxon. *conceſſa.*

A. D. 1479. *F. F. fol.* 74. *& A.* 9, *&c.*

SIXTUS Epiſcopus Servus Servorum Dei ad perpetuam rei memoriam. Sedis Apoſtolicæ rectitudo, quæ in ſuis Actibus providâ circumſpectione dirigitur, bene merentibus præmia largiter confert, & illis conceſſis novæ probationis adjecto beneficio ſpecialis favoris gratiam impertitur iis, quos facti evidentia deſignanter denotans & obſequioſos cognoſcit eadem, ut & ipſi ad ejus beneplacita promptiores exiſtant, & alii ad eorum exempla & ſimilia propenſiùs

penſiùs excitentur. Dudum ſiquidem felicis recordationis *Bonifacio* Papæ 8. Prædeceſſore noſtro pro parte Cancellarii Magiſtrorum Doctorum & Scholarium Univerſitatis ſtudii *Oxon. Lincoln.* Diœc. expoſito, quòd nonnulli claræ memoriæ *Angliæ* Reges, qui fuerant pro tempore, pro majore quiete & tranquillitate ſtudentium in eodem ſtudio, ipſis Magiſtris, Doctoribus & Scholaribus nonnulla ex poſt—— per tunc Angliæ Regem approbata inter alia conceſſerant, quòd Cancellarius dicti ſtudii pro tempore exiſtens haberet omnimodam cognitionem vel quaſi quorumque contractuum factorum, nec non punitionem ſeu quaſi delictorum commiſſorum pro tempore infra limites Univerſitatis prædictæ, ubi ſaltem altera partium Scholaris vel ſerviens ejus aut aliàs juriſdictioni dicti Cancellarii ſubjectus eſſet; ita quòd nullus Scholaris præfati ſtudii vel ſerviens ipſius ſeu de hujuſmodi juriſdictione dicti Cancellarii exiſtens occaſione præmiſſarum vel alicujus earundem etiam tam per brevia Regia extra præfatam Univerſitatem trahi potuiſſet, tribus caſibus, viz. Homicidio, mutilatione & libero tenemento duntaxat exceptis; quodque ipſi Magiſtri, Doctores & Scholares, vigore conceſſionum hujuſmodi in pacificâ poſſeſſione vel quaſi privilegiorum ſuorum fuerant à tempore cujus contrarii memoria non erat; ac eidem prædeceſſori pro parte eorundem Magiſtrorum, Doctorum & Scholarium ſupplicato, ut eis ſimilem conceſſionem facere ac ipſos ab omni juriſdictione, dominio & poteſtate quorumcunque Archiepiſcoporum, Epiſcoporum, etiam Legatorum natorum dictæ ſedis, nec non Epiſcoporum & aliorum Ordinariorum Judicum quoad contractuum initorum vel quaſi, nec non exceſſuum ac delictorum infra hujuſmodi limites præfatæ Univer-

niverſitatis commiſſorum cognitionem & ipſorum exceſſuum ac delictorum nec non contractuum vel quaſi correctionem & punitionem unà cum ipſo Cancellario quoad præmiſſos duntaxat non ut præfertur exceptos caſus & omnes actus Scholaſticos authoritate Apoſtolicâ exemit & totaliter liberavit, ipſoſque Scholares & perſonas alias quamdiu in præfato ſtudio ut præfertur degiſſent, præfato Cancellario ſubjecit; ita quòd idem Cancellarius de contractibus initis ac exceſſibus delictorum, nec non criminibus commiſſis per Scholares & alias perſonas hujuſmodi cognoſcere, exceſſuſque crimina & delicta hujuſmodi corrigere & punire, ac omnem Juriſdictionem etiam ſcholaſticam & ſpiritualem in eoſdem Scholares & perſonas alias exercere liberè & licitè valeret ſecundum ſtatuta, privilegia & conſuetudines ſtudii prælibati, nec non quaſlibet excommunicationum, ſuſpenſionum & interdicti ſententias, ac quoſcunque proceſſus, quas & quos contra præfatos Cancellarium, Scholares & alias perſonas dicti ſtudii contra tenorem & formam exemptionis & liberationis hujuſmodi promulgari & haberi contingeret, irritos decrevit & inanes, Juriſdictione tamen & poteſtate prælibati Cancellarii Univerſitatis & Collegiorum ejuſdem ſtatutis & conſuetudinibus, privilegiis & libertatibus illis, præſertim quibus caveri dicitur, quod in præmiſſis Procuratores & congregatio Magiſtrorum dictæ Univerſitatis in hujuſmodi Cancellarii Juriſdictionem haberent in omnibus ſemper ſalvis prout in ipſius Bonifacii Prædeceſſoris literis deſuper confectis, quarum tenores hic pro inſertis & pro expreſſis haberi volumus, pleniùs contineur.

Cùm autem ſicut accipimus, dilecti filii moderni Cancellarius, Magiſtri, Doctores, & univerſi Scholares præfatæ Univerſitatis cupiunt præ-

præmiſſis omnibus pro illorum ſubſiſtentiâ firmiori, noſtri adjici muniminis firmitatem; Nos qui præfatos Cancellarium, Magiſtros, Doctores & Scholares univerſos ob fervorem puræ devotionis & fidei, quam ad nos & Romanam gerunt Eccleſiam, ſpeciali dilectione proſequimur, præfatorum, tam per chariſſimum in Chriſto filium Edvardum modernum, quàm alios præfati regni Angliæ reges, eidem Univerſitati & in eâ ſtudentibus conceſſorum privilegiorum tenores præſentibus pro expreſſis habentes, motu proprio, non ad ipſorum Cancellarii, Magiſtrorum, Doctorum, & Scholarium, aut aliquorum aliorum inſtantiam, ſed de noſtrâ merâ liberalitate privilegia, conceſſiones, exemptiones & alia indulta, tam per prædeceſſores, quàm modernum & alios dicti regni Reges, eiſdem Cancellario, Magiſtris, Doctoribus atque Scholaribus, in genere vel ſpecie data & conceſſa, & prout illa concernant, omnia & ſingula, tam in Regum quàm prædeceſſoris prædictorum literis contenta, authoritate Apoſtolicâ tenore præſentium confirmamus & approbamus, ac robur perpetuæ firmitatis obtinere debere decernentes, præſentis ſcripti patrocinio, communimus, ſupplentes omnes & ſingulos defectus, tam juris quàm facti, ſi qui forſan interveniſſent in eiſdem. Et nihilominus quia ſicut etiam accipimus, nonnunquam contingit Magiſtros, Doctores & Scholares dictæ Univerſitatis, ſtatutorum & ordinationum ejuſdem, propter illorum multitudinem, ac per eos de illis obſervandis præſtitorum juramentorum immemores, de perjurii reatu notari, ac in pœnas in dictis ſtatutis contentas incidere, & diutiùs in illis remanere; propter quæ inter Magiſtros, Doctores & Scholares præfatos diſſenſiones, jurgia & ſcandala utplurimùm oriuntur; Nos hujuſmodi ſcanda-

lis obviare, ac ipſorum Magiſtrorum, Doctorum & Scholarium commoditati & quieti conſulere volentes, motu ſimili & ex certâ noſtrâ ſcientiâ, moderno & pro tempore exiſtenti dictæ Univerſitatis Cancellario, Magiſtros, Doctores & Scholares univerſos, qui in præfatâ Univerſitate pro tempore degerint, quique ob tranſgreſſionem vel omiſſionem ſtatutorum & ordinationum hujuſmodi in perjurii vel aliam quamvis pœnam inciderint, ſi id humiliter petierint, ab hujuſmodi perjurii reatu, & aliis pœnis propter præmiſſa per eoſdem Magiſtros, Doctores & Scholares forſan incurſis, ſimpliciter vel ad cautelam, quantùm expediens erit, per ſe vel per alium ſeu alios abſolvendi, injunctis pro modo culpæ & tranſgreſſionis ſtatutorum hujuſmodi qualitate penſitatâ, arbitrariâ & ſalutari pœnitentiâ, & aliis quæ de jure & conſuetudine laudabili fuerint, prout noverit, injungenda, ac cum eiſdem Magiſtris, Doctoribus & Scholaribus ſic ut præmittitur tranſgreſſoribus, ut ad gradus meritos promoveri, & promoti gradibus hujuſmodi uti ac officia exercere, nec non beneficia quæcunque ſicut priùs retinere liberè & licitè valeant, diſpenſandi, omnemque inhabilitatis & infamiæ ſeu perjurii maculam ſive notam, per ſe vel alium ſeu alios abolendi, ac illos in priſtinum ſtatum in quo antequam deliquiſſent ſeu dejerâſſent, erant, cujus alterius ſuper hoc licentiâ minimè requiſitâ, reponendi & reſtituendi, authoritate & tenore præmiſſis, licentiam concedimus & etiam facultatem.

Cæterùm quia difficile eſſet, propter itinerum diſtantiam & viarum pericula, pro ſingulis occurrentibus negotiis has noſtras literas ad ſingula quæque huc transferri, etiam volumus, ac eiſdem Cancellario, Magiſtris, Doctoribus & Scholaribus concedimus & decernimus, quòd harum

harum literarum noſtrarum verè tranſcripto manu Notarii publici ſignato & ſubſcripto, nec non alicujus Prælati aut Curiæ ſigillo authentico ſigillato, ſtetur, & tanta fides adhibeatur in judicio & extra, ac ubique, quanta eiſdem originalibus literis, ſi darentur & exhiberentur; non obſtantibus S. memoriæ *Innocentii* Papæ IV. etiam prædeceſſoris noſtri,& quibuſvis aliis Apoſtolicis, nec non bonæ memoriæ *Ottonis* & *Ottoboni* olim in præfato regno Apoſtolicæ ſedis Legator. nec non in provincialibus & ſynodalibus Conciliis editis generalibus & ſpecialibus conſtitutionibus, ac præfatæ Univerſitatis etiam juramento, confirmatione Apoſtolicâ vel quâvis firmitate aliâ roboratis ſtatutis & conſuetudinibus: nec non omnibus illis quæ idem *Bonifacius* prædeceſſor ſuis literis voluit non obſtare, cæteriſque contrariis quibuſcunque. Et inſuper ex nunc irritum decrevimus & inane, ſi ſecus ſuper his à quoquam quâvis authoritate ſcienter vel ignoranter contigerit attemptari. Nulli ergo omnino hominum liceat hanc paginam noſtræ confirmationis, approbationis, conſtitutionis, communitionis, ſuppletionis, conceſſionis, decreti & voluntatis infringere, vel ei auſu temerario contraire. Si quis autem hæc attemptare præſumpſerit, indignationem omnipotentis Dei ac beatorum *Petri* & *Pauli* Apoſtolorum ejus ſe noverit incurſurum. Dat. *Romæ* apud S. Petrum anno Incarnationis Dominicæ 1479. Id. Septemb. Pontificatûs noſtri anno nono.

Bulla Urbani quinti Pont. Max. Romani ad Universitatem Oxon. transmissa.

URbanus Episcopus, servus servorum Dei dilectis filiis universis Doctoribus, Magistris & Scholaribus studii *Oxon. Lincoln.* Diœcef. salutem & apostolicam benefactionem. Indesinentis curæ, velut totius Dominici gregis Pastor, solicitudine premimur, & assiduæ meditationis excitamur instantiâ, ut studia literarum & ibidem studentes prosperè & salubriter dirigantur, & à gravaminibus releventur, & ad id quantùm cum Deo possumus partes vestræ solicitudinis adhibemus. Sanè nuper ad nostrum pervenit auditum, quòd secundum statuta & consuetudines Universitatis studii *Oxon. Lincoln.* Diœcef. Cancellarius Universitatis ejusdem studii, qui ipsius Universitatis Caput & Rector fore dignoscitur, per Doctores & Magistros in eâdem Universitate regentes quolibet biennio eligi & assumi debeat; quódque Episcopus *Lincoln.* pro tempore existens, hujusmodi Electionis confirmationem ex quâdam consuetudine sibi nititur vindicare, quódque Doctores & Magistri qui ad ipsum Episcopum pro Electionis confirmatione hujusmodi obtinendâ transimittuntur, quique magnis fatigantur laboribus & expensis, & ad remotas partes quandoque insequuntur eundem; propter quod vobis damna & detrimenta gravia inferuntur, & propter jurisdictionis suspensionem pravi impunè peccant, & tota

vestra

veſtra Univerſitas fluctuat, Rectore & Capite deſtituta. Quare pro parte veſtrâ nobis humiliter fuit ſupplicatum, ut providere ſuper præmiſſis de benignitate Apoſtolicâ dignaremur. Nos itaque hujuſmodi ſupplicationibus inclinati, quòd eo ipſo quòd aliquis in Cancellarium dictæ Univerſitatis per dictos Doctores & Magiſtros Regentes legitimè erit electus, cenſeatur confirmatus, & aliâ confirmatione non egere, vobis tenore præſentium de gratiâ concedimus ſpeciali. Nulli igitur hominum liceat hanc paginam noſtræ Conceſſionis infringere, vel ei auſu temerario contraire. Si quis autem hoc attemptare præſumpſerit, indignationem omnipotentis Dei & Beatorum *Petri* & *Pauli* Apoſtolorum ejus ſe noverit incurſurum. Dat. *Romæ* apud S. *Petrum* 6 Id. Nov. &c.

Bulla Eugenii Papæ quarti ad Cantabrigiam tranſmiſſa.

A. D. 143. EUgenius ſervus ſervorum Dei, ad futuram rei memoriam: Dum attentæ conſiderationis indagine perſcrutamur, quòd per literarum ſtudia, favente chariſmatum cunctorum largitore Domino, viri ſuccreſcunt ſcientiis eruditi, divini nominis fideique catholicæ cultus protenditur, omniſque proſperitas conditionis adaugetur humanæ, libenter non ſolùm loca quibus hujuſmodi ſtudia vigent, illorumque ſuppoſita, gratiis & libertatibus fulcire ſatagimus, ſed etiam illa quæ pro ſtudiorum ſubſiſtentiâ, nec non eorum & ſuppoſitorum hujuſmodi favoribus proinde facta comperimus, ut illibata perſiſtant, cùm à nobis petitur, Apoſtolicæ confirmationis munimine roboramus. Dudum ſiquidem ex parte dilectorum filiorum Magiſtrorum, Doctorum & Scholarium Univerſitatis ſtudii Cantabrigiæ, Elienſis Diœceſis, piæ memoriæ *Martino* Papæ quinto prædeceſſori noſtro expoſito, quòd olim fælicis recordationis *Honorius* Papa primus & prædeceſſor noſter, pro incremento & in favorem Doctorum & Scholarium, qui tunc erant & pro tempore forent, Univerſitatis hujuſmodi, per quaſdam literas ſub dat. Romæ apud Sanctum Petrum, anno ab Incarnatione
—624. Domini ſexcenteſimo vigeſimo quarto, die ſeptimo menſis Februarii, inter cætera diſtrictiùs inhibuerat ſub pœnâ Excommunicationis, quam veniens in contrarium ipſo facto incurreret, ne quis Archiepiſcopus, Epiſcopus, Archidiaconus, aut eorum Officiarii in aliquem Doctorum & Scholarium earundem, ſuſpenſionis, excommunicationis

nicationis ſeu interdicti ſententias ferre, aut ipſos vel familiares ipſorum moleſtare præſumant, ſed Rector ipſorum Doctorum & Scholarium, de conſilio ſeniorum & ſaniorum ejuſdem Univerſitatis, ſecundùm eorum ſtatuta, charitate ſemper mediâ, corrigere & emendare ſtuderet, prout ſtudentium ſaluti magis videretur expedire: Ac piæ memoriæ *Sergius* etiam primus ſimiliter prædeceſſor noſter, etiam pro incremento & in favorem hujuſmodi, per alias ſuas literas ſub dat. in Eccleſiâ *Lateranenſi*, anno ab incarnatione verbi ſexcenteſimo octuageſimo nono, die tertio menſis Maii, inter alia decreverat, quòd nulli Archiepiſcopo liceret Univerſitatem prædictam, aut aliquem Doctorum aut Scholarium eorundem ſuſpendere vel excommunicare, ſeu quomodolibet ſub interdicto ponere, abſque ſummi Pontificis aſſenſu vel ejus ſpeciali mandato; quodque ſuper inhibitione ac decreto, nec non *Honorii* & *Sergii* prædeceſſorum ſuperinde confectis literis hujuſmodi, quædam ipſius Univerſitatis antiqua ſtatuta communi conſenſu, & deliberatione maturâ Magiſtrorum & Doctorum prædictorum, ad bonum regimen & ſtabilitatem ejuſdem Univerſitatis ordinata fundabantur; ipſorumque inhibitionis & decreti & literarum vigore, Cancellarius dictæ Univerſitatis pro tempore exiſtens (qui Subcancellarii denominatione inibi vicem Rectoris obtinuerat & tunc obtinebat) omnimodam ſuper corrigendis puniendiſque exceſſibus ſuppoſitorum ſeu perſonarum ejuſdem Univerſitatis, ac cognoſcendis ac decidendis cauſis & negotiis ſuppoſita & perſonas hujuſmodi contingentibus, juriſdictionem eccleſiaſticam & ſpiritualem exercere conſueverat. Quodque de originalibus dictorum *Honorii* & *Sergii* prædeceſſorum literis hujuſmodi, ex eo quòd propter diuturnitatem *A. D.* 689.

temporis, cùm tunc ſeptingenti anni & ultra ab illarum conceſſione defluxerant, aut ex earum cuſtodum negligentiâ, aut aliàs caſualiter deperditæ vel amiſſæ fuerant, licèt plurimæ ipſarum copiæ de antiquiſſimâ ſcripturâ in Archivis ejuſdem Univerſitatis reconditæ extare noſcerentur, doceri nequiret: ipſe *Martinus* prædeceſſor noſter per ſuas literas dilectis filiis Priori Monaſterii de *Barnewelle* per Priorem ſoliti gubernari, dictæ Diœceſeos, ejus proprio nomine non expreſſo, & *Johanni Deping* Canonico *Lincolnienſi* in eâdem Diœceſi reſidenti, cum clauſulâ, quòd ſi non ambo his exequendis poſſent intereſſe, alter ipſorum ea nihilominùs exequeretur, dedit in mandatis, ut iis ſingularum literarum *Honorii* & *Sergii* prædeceſſorum ſingulis copiis hujuſmodi in formâ publicâ exhibitis, ſi & poſtquam ipſis legitimè conſtaret, Magiſtros, Doctores & Scholares qui pro tempore fuerant, ac Univerſitatem prædictam in pacificâ poſſeſſione, vel quaſi uſûs & exercitii eccleſiaſticæ ſpiritualiſque juriſdictionis & obſervationis, Inhibitionis & Decreti hujuſmodi, à tanto tempore fuiſſe & eſſe, quòd memoria in contrarium non exiſteret, eiſdem Magiſtris, Doctoribus & Scholaribus obſervantiam Inhibitionis & Decreti, nec non uſum & exercitium juriſdictionis eccleſiaſticæ ac ſpiritualis hujuſmodi, authoritate ſuâ approbarent & etiam confirmarent, prout in prædictis ipſius *Martini* prædeceſſoris literis pleniùs continetur. Poſtmodùm verò, ſicut exhibita nobis nuper pro parte Magiſtrorum, Doctorum & Scholarium prædictorum petitio continebat, ipſe prior (eodem *Johanne* dictarum literarum præfati *Martini* prædeceſſoris executioni intereſſe nequeunte, ſeque ſuper hoc legitimè excuſante) quia per ipſarum copiarum exhibitionem, nec non alia acta actitata

tata & deducta coram eo, ſibi dictos Magiſtros, Doctores, Scholares & Univerſitatem à ſupradicto tempore in poſſeſſionem hujuſmodi abſque perturbatione, moleſtatione, vel inquietatione Archiepiſcoporum, Epiſcoporum, Archidiaconorum, aut aliorum Officialium quorumlibet fuiſſe & eſſe, legitimè conſtitit, ipſoſque Archiepiſcopos, Epiſcopos, Archidiaconos & Officiales à præfatâ juriſdictione ſe totaliter abſtinuiſſe reperit, obſervantiam inhibitionis & decreti, nec non uſum & exercitium juriſdictionis hujuſmodi Magiſtris, Doctoribus & Scholaribus præfatis, vigore dictarum literarum ejuſmodi *Martini* prædeceſſoris, ſententialiter approbavit, laudavit, ratificavit pariter & confirmavit, prout & in literis authenticis deſuper confectis latiùs cognoſcitur contineri. Quare pro parte dictorum Magiſtrorum, Doctorum & Scholarium nobis fuit humiliter ſupplicatum, ut approbationi, laudationi, ratificationi & confirmationi prædictis, pro illarum ſubſiſtentiâ firmiori, robur Apoſtolicæ confirmationis adjicere de benignitate Apoſtolicâ dignaremur. Nos itaque hujuſmodi ſupplicationibus inclinati, approbationem, laudationem, ratificationem & confirmationem prædictas, ac quæcunque inde ſecuta, rata habentes & grata, illâ Apoſtolicâ authoritate confirmamus, & præſentis ſcripti patrocinio communimus, ſupplentes omnes defectus, ſiqui forſitan intervenerint in eiſdem. Nulli ergo omnino, &c. Dat. Romæ apud S. Laurent. anno 1433, &c.

Charta

Charta Henrici quarti tam Oxon. quam Cantabrigiæ conceſſa.

Pat. 5. H. 4. pars 1. m. 29. pro Univerſitatibus Oxon. & Cantebrig.

REX omnibus ad quos, &c. ſalutem. Sciâtis, quòd Nos, ad honorem omnipotentis Dei (in cujus clementi bonitate, & non alio, ſpem ſemper poſuimus & habemus) nec non caritatis intuitu, ac in cleri & virtutis augmentum, ut in vineâ Domini tales cultores ponantur in poſterùm, quorum induſtriâ, ſcientiâ, doctrinâ & converſatione fructus ſalutis animarum abundantiùs valeant accreſcere, & tempore meſſis ad horreum Domini ultra granum centeſimum augmentari: ex regiâ benignitate & gratiâ noſtrâ ſpeciali, nec non ad ſupplicationem cariſſimæ conſortis noſtræ Johannæ Reginæ Angliæ, conceſſimus, & licentiam dedimus pro nobis & Hæredibus noſtris, quantùm in nobis eſt, dilectis noſtris Cancellariis, Doctoribus & Magiſtris, nec non Baccalaureis & aliis quibuſcunque graduatis & graduandis perſonis in Univerſitatibus noſtris *Oxon.* & *Cantebrig.* quòd ipſi futuris temporibus in perpetuum, viz. Doctores & Magiſtri ac Licentiati in ſacrâ Theologiâ, jure Canonico & Civili, ſinguli eorum, in Metropolitanis & Cathedralibus, Collegiatis & Conventualibus Eccleſiis Regni noſtri *Angliæ* ac partium *Walliæ*, ac terræ noſtræ *Hiberniæ*, ad dignitates electivas etiam majores poſt pontificales, ac adminiſtrationes, perſonatus & officia, nec non Canonicatus & Præbendas; ac ipſi & alii Baccalaurei & graduati prædicti, ſinguli eorum, qui dignitates in Eccleſiis Metropolitanis & Cathedralibus, vigore hujuſmodi noſtræ licentiæ priùs non ſunt realiter conſecuti, ad quæ-

quæcunque beneficia & officia Eccleſiaſtica Curata & Non-Curata conſueta Clericis ſæcularibus aſſignari, ad collationem, præſentationem, nominationem ſeu quamvis aliam diſpoſitionem Archiepiſcoporum, Epiſcoporum, Decanorum, Priorum & Capitulorum, nec non Abbatum, Priorum & aliorum quorumcunque Patronorum Eccleſiaſticorum, à Domino ſummo Pontifice gratias expectativas ſeu proviſorias in præmiſſis eis & eorum cuilibet neceſſarias impetrare, ac vigore hujuſmodi gratiarum, dignitates, perſonatus & officia, nec non Canonicatus & Præbendas, ac alia beneficia & officia Curata & Noncurata ſub gratiis hujuſmodi cadentes & cadentia, ac jam occupatas ſeu occupata; ſeu de cætero vacaturas & vacatura, de facto cùm vacaverint per ſe & ſuos Procuratores acceptare, ac collationes & inveſtituras de jure vel conſuetudine requiſitas eis ſeu eorum Procuratoribus nomine ſuo per Executores, ſubexecutores & Notarios quoſcunque in eâ parte deputandos ſeu requirendos fieri & ſubire, nec non realem & expeditam poſſeſſionem dignitatum & perſonatuum, & officiorum ac Canonicatuum, Præbendarum & beneficiorum hujuſmodi capere, adipiſci & nanciſci liberè valeant: ac poſſeſſionem ſic captam & adeptam ſecundum exigentiam juris Canonici publicè continuare & defendere, ac eam tenere & habere, ſecundum vim, formam & effectum gratiarum prædictarum ac proceſſuum in hâc parte fiendorum, quos facere & effectualiter exequi & contra attemptantes in contrarium, & impedientes eorum executionem debitam in quâcunque Curiâ Chriſtianitatis eis placuerit liberè proſequi, & ibidem agere quicquid concernit gratias & cauſas, & materias exinde ſubortas, vel quæ exoriri contigerit, abſque occaſione vel impedimento noſtri, ac hæredum noſtrorum

noſtrorum ſeu miniſtrorum noſtrorum quorumcunque, *Statuto de Proviſoribus anno Regni Domini Ric. nuper regis Angliæ 2di poſt conqueſtum prædeceſſoris noſtri decimo-tertio, edito,* ſeu aliquo alio ſtatuto, & ordinationibus quibuſcunque in contrarium editis non obſtantibus. Nolentes quòd prædicti Doctores, Magiſtri ac Baccalaurei, Procuratores, Executores, Subexecutores, aut Notarii & alii de conſilio eorundem propter executionem & expeditionem gratiarum hujuſmodi ac proceſſuum eorundem, ut præfertur, per nos vel Hæredes noſtros, Juſtic. Eſchaetores, Vice-Comites aut alios Ballivos ſeu Miniſtros noſtros vel Hæredum noſtrorum quoſcunque inquietentur, moleſtentur in aliquo, ſeu graventur. *Proviſo* ſemper quòd quam citiùs Cancellar. Doctores & Magiſtri, nec non Baccalaurei ſeu quicunque alii ſupradicti vigore præſentium aliquorum beneficiorum Eccleſiaſticorum incompatibilium canonicam & pacificam poſſeſſionem adepti fuerint, aut quivis eorundem alicujus beneficii eccleſiaſtici incompatibilis canonicam & pacificam poſſeſſionem adeptus fuerit, beneficia incompatibilia ſeu beneficium incompatibile, per ipſos ſeu eorum aliquem prius occupata & acceptata, ſive occupatum & acceptatum omnino demittant, & quilibet eorum penitus demittat: ita quòd Cancellarii, Doctores & Magiſtri, nec non Baccalaurei ſeu quicunque alii prædicti, ſeu eorum aliquis * duo beneficia Eccleſiaſtica incompatibilia poſt hujuſmodi poſſeſſionem vigore præſentium ſic adeptam, ſimul & ſemel ultra unum menſem nullatenus obtineant ſeu obtineat, nec eorum aliquis aliquam proviſionem aliquorum beneficiorum Eccleſiaſticorum, niſi in unâ Eccleſiâ Cathedrali, aut de unâ collatione duntaxat, prout inſeruntur in rotulis Univerſitatum prædictarum,

* *Nota.*

rum, & per eoſdem Rotulos & non particulariter, neque alio modo in Curiâ Romanâ per ſe vel per alios proſequatur, aut hujuſmodi proviſionis gratiam acceptet, ſeu executioni demandare præſumat, nec aliquos ſeu aliquem ſuper jure, titulo ſeu poſſeſſione aliquorum beneficiorum ſeu alicujus beneficii per ipſos occupatorum ſive occupati, nec alicui collatorum ſeu collati, nec aliquibus beneficiis ſeu aliquo beneficio Religioſis ſive aliis vel alii appropriatorum, unitorum ſive annexorum, appropriati, uniti vel annexi qualitercunque in præſenti, colore hujus licentiæ noſtræ, aut proviſionum vigore ejuſdem licentiæ ſic faciendarum aut prætextu, revocationis, annullationis, irritationis ſeu caſſationis hujuſmodi appropriationum, Unionum ſive annexionum in dictâ Curiâ Romanâ nuper ut dicitur fact. vexet, impediat ſive inquietet, nec aliquam proviſionem ſeu alicujus hujuſmodi proviſionis executionem de aliquibus beneficiis ſive beneficio hujuſmodi ad præſens ſic appropriatis, unitis vel annexis, appropriato, unito vel annexo per ſe aut alios faciat ſeu facere præſumat, aut hujuſmodi beneficia ſive beneficium acceptet quoviſmodo in præſenti, colore præſentium aut proviſionum vigore earundem ſic faciendarum vexet, impediat ſive inquietet quoviſmodo. *In cujus, &c. Teſte Rege apud Weſtmonaſterium 25° die Novembris.*

Per ipſum Regem.

Charta

Charta Magnæ Aulæ ſive Collegii Univerſitatis.

OMnibus Chriſti fidelibus ad quos præſens ſcriptum pervenerit, Magiſter *Ludovicus de Chapyrnay*, Doctor S. Theologiæ Cancellarius Univerſitatis *Oxon.* Doctores S. Theologiæ & Procuratores ejuſdem per Univerſitatem Deputati, ſalutem in Domino ſempiternam. Cùm ad laudem Dei & augmentum Cleri, Magiſter *Gulielmus Byrkley*, *Adomarus de Chewingham*, *Radulphus Senowne*, Executores bonæ memoriæ Magiſtri *Willielmi de Dunelme* Archidiaconi de *Dunelme*, nobis & Univerſitati deliberaverint quadringentas Marcas bonæ Monetæ *Angliæ* ad acquirendum & emendum certos reditus, terras & tenementa, diſponenda pro exhibitione ſex Magiſtrorum in Facultate Artium magis propinquorum partibus *Dunelm.* in perpetuum, prout in Teſtamento dicti Magiſtri *Willielmi* pleniùs continetur: Sciatur igitur, Nos Magiſtrum *Ludovicum de Chapyrnay*, Doctorem S. Theologiæ & Cancellarium Univerſitatis *Oxon.* Doctores S. Theologiæ & Procuratores ejuſdem habentes authoritatem totius Univerſitatis nobis deputatam, ad honorem Dei, ſtabilimentumque noſtræ Univerſitatis, dediſſe, conceſſiſſe, & in hâc præſenti Chartâ noſtrâ confirmâſſe Magiſtro *Rogero Caldwell* Cuſtodi ac Socio ſeniori magnæ Aulæ Univerſitatis *Oxon.* & Scholaribus ejuſdem octo Meſſuagia cum Gardinis ejuſdem *&c.* (*& in fine ejuſdem*) & nos Magiſter *Ludovicus de Chapyrnay* Cancellarius de *Oxon.* Doctores S. Theologiæ & Procuratores ejuſdem, habentes authoritatem

à

à totâ Univerſitate nobis deputatam & conceſſam, ad dand. tenementa, terraſque prædict' Cuſtodi ſeu ſeniori Socio Aulæ prædictæ & Sociis ejuſdem & eorum Succeſſoribus contra omnes gentes warrantizabimus, acquietabimus & defendemus in perpetuum. Pro quâ quidem Warrantizatione, acquietantiâ & defenſione dedimus, ſolvimus & deliberavimus trecentas Marcas bonæ Monetæ Angliæ præ manibus, pro dictis octo Meſſuagiis, libero reditu, & quatuor Cottagiis, de pecuniis antedictis. In cujus rei Teſtimonium ſigillum noſtræ Univerſitatis apoſuimus. Datum *Oxon.* 10 die Menſis Julii, Anno Regni Regis Henrici tertii poſt Conqueſtum Angliæ quarto. *A. D.* 1219.

Compoſitio inter Cancellarium & Archidiaconum Oxon.

——QUOD dictus Cancellarius (viz. *Univerſitatis*) qui nunc eſt, & qui pro tempore fuerit, ſolus & in ſolidum habeat omnem & omnimodam Juriſdictionem, ſine contradictione, moleſtatione vel impedimento quocunque dicti Domini Archidiaconi in omnes & ſingulos Doctores & Magiſtros dictæ Univerſitatis Regentes & non Regentes, ac etiam in Scholares omnes & ſingulos Religioſos vel Sæculares dictæ Univerſitatis, etſi in dictâ villâ fuerint oriundi, vel Rectores aut Vicarii ſeu Capellani ſtipendiarii inibi celebrantes, dum tamen non fuerint Parochiales; curæ Eccleſiarum Parochialium ſervientes, dum tamen Rectores & Vicarii ac Capellani Parochiales ſtipendiarii, & ſi Scholares etiam fuerint, ſubeſſe debent dicto Domino Archidiacono quoad Canonicam Obedientiam, Inductionem in corporalem poſſeſſionem beneficiorum

ficiorum ab eo recipiendam, visitationémque suam & correctionem quoad Libros & Ornamenta & alia ad jus Ecclesiæ pertinenentia habendam, mandataque licita, in omnibus quæ ad Jurisdictionem suam Archidiaconalem pertinent exequenda. Quodque Cancellarius habeat omnem & omnimodam Jurisdictionem in Magistrorum & Scholarium dictæ Universitatis Servientes, familiares continuos, Commensales & secum in suis Domibus commorantes, ac sex Bedellos & Quationarios ad hujusmodi officium per dictam Universitatem admissos & pro tempore admittendos, ac Universitati juratos vel jurandos, nec non in omnes & singulos scriptores Scholaribus in scriptorum officio servientes habeat Cancellarius plenam jurisdictionem Archidiaconalem; exceptis quod ipsis scriptoribus sive testato sive ab intestato, habeat Archidiaconus antedictus testamentorum eorundem insinuationem & approbationem, bonorum Commissionem, computi auditionem, administratorum liberationem seu quietationem & omnia quæ negotium hoc concernunt.

De cæteris personis omnibus quæ & aliàs de jure, consuetudine seu privilegio ad jurisdictionem Cancellarii & dictæ Universitatis pertinent, habeat D. Archidiaconus correctionem & punitionem debitam super criminibus & excessibus ad jurisdictionem Archidiaconalem pertinentibus, insinuationemque & approbationem testamentorum suorum; ac omnia alia & singula quæ negotium hoc concernunt. Proviso quod Apparitor D. Archidiaconi qui pro tempore fuerit ut Apparitor, ratione officii sui non teneatur jurare nec arctari dictis Cancellario vel Universitati ad obediendum eisdem de his quæ antedicti Archidiaconi ad jurisdictionem concernunt. Præfatam tamen compositionem non intendebant

intendebant partes prædictæ juriſdictioni cuicunque ultra præfatam Archidiaconalem alicui partium prædictarum aliundè de jure, conſuetudine vel privilegio, &c.

Commiſſio Edwardi *Sexti ad viſitandum Univerſitatem Oxon. quibuſdam Delegatis data & conceſſa. Mandatum illis eſt:*

I. OMnia & ſingula Collegia, Aulas, Hoſpitia, & loca alia quæcunque exercitio ſcholaſtico deputata, tam exempta quàm non exempta, ibidem conſtituta, eorumque Præpoſitos, Magiſtros, Gardianos, Rectores ſive Cuſtodes, ac Socios, Scholares, Studentes, Miniſtros & perſonas alias quaſcunque in eiſdem commorantes; deque ſtatu locorum ejuſdem Univerſitatis, nec non ſtudio, vitâ, moribus, & converſatione, ac etiam qualitate perſonarum in eiſdem degentium ſeu miniſtrantium, modis omnibus, quibus id melius & efficacius poterunt, inquirere & inveſtigare, criminoſos ac delinquentes, ſocordes ac ignavos, atque culpabiles, condignis pœnis uſque ad dignitatum, ſocietatum & officiorum ſuorum privationem, aut ſtipendiorum, proventuum & emolumentorum ſuorum quorumcunque ſequeſtrationem, vel quamcunque aliam congruam & competentem coercionem, punire & coercere, atque ad probatiores vivendi mores, modis omnibus quibus id melius & efficacius poterunt, reducere.

II. Contumaces & rebelles, cujuſcunque ſtatûs & conditionis fuerint, ſi quos invenerint, tam per cenſuras quàm etiam incarcerationem &

recognitionem, acceptationem, & quæcunque alia juris regni remedia, compeſcere.

III. Pecunias impendendas quotannis in Exequias & Convivia, in Lectiones publicas vel privatas, ad alios uſus magis convenientes, & in alias formas convertere.

IV. Pecunias autem in aliquo Collegio impendendas ex fundatione ejuſdem Collegii in Choriſtas, Cantores, & alias impenſas, ratione quotidiani ſervitii (ut vocatur) Eccleſiaſtici, aut in pueros grammaticales ad alimentum ſociorum vel ſcholaſticorum ad philoſophiam vel alias artes diſcendas in eodem vel alio Collegio conſtituendas, convertere. Magiſtros, Præpoſitos, Præſidentes, Socios, vel Scholares quoſcunque illis officiis indignos, non proficientes, ſtatutis Collegii, vel commodo Reipublicæ, & bonarum literarum id exigentibus, expellere & amovere, & alium & alios in amotorum loco præficere & ſubſtituere.

V. Ceſſiones quorumcunque, Præpoſituras, Magiſteria, Præſidentias, Gardianatus, Societates ſeu officia in locis prædictis habenda, coram Viſitatoribus facta ſeu exhibita, authoritate regiâ admittere, eâque vacare, & pro vacantibus diſcernere, & in loca ſic per ceſſionem aut alio quovis modo vacantia, perſonas habiles & idoneas ſubſtituere.

VI. Collegia duo vel plura, ſive regiæ ſive cujuſcunque alterius fundationis fuerint (ſi viſitatoribus ex utilitate Academiæ videbitur) in unum conjungere.

VII. Cantarias, nominaque Cantariarum in quocunque fundatarum, earumque fundationes mutare, aliaſque appellationes illis imponere, & fructus, reditus ac proventus dictarum Cantariarum ad ſcholarium exhibitionem aſſignare, ac dictæ Univerſitatis & Collegiorum & Aularum incor-

incorporationes, fundationes, ſtatuta, ordinationes, privilegia, compoſitiones, computos ac alia munimenta quæcunque exigere & recipere, eaque diligenter examinare & diſcutere, formas divinorum officiorum, diſputationum & publicarum lectionum, collationes quoque graduum & honorum qui eruditionum ergo proponuntur ſtudioſis, mutare, & in commodiorem rationem inſtituere.

VIII. Injunctiones & ſtatuta, quæ viſitatoribus pro commodiore ordine videbuntur idonea, perſonis in eiſdem degentibus nomine regio tradere, & vice & authoritate ſuâ eis inducere & aſſignare, pœnaſque convenientes in eorum violatores infligere & irrogare, ſtatutaque, ordinationes, conſuetudines, compoſitiones (ſi quas compererint eiſdem contrarias ſive impugnantes) tollere & penitùs annihilare.

IX. Juramentum obedientiæ & fideliatis Regi & hæredibus ſuis debitum, deque renuendâ, renunciandâ, penitúſque abnegandâ Epiſcopi Romani prætenſâ, uſurpatâ & fictâ authoritate, & quæcunque alia juramenta ex ſtatutis hujus regni præſtari requiſita, ab omnibus infra loca prædicta inſtitutis exigere & recipere.

X. Congregationes & Convocationes Præpoſitorum, Gardianorum, Studentium & Miniſtrantium pro executione præmiſſorum & reformatione quâcunque facere, concire & revocare, cauſas etiam inſtantiarum examinare, & fine debito terminare: ac omnia & ſingula alia, quæ circa hujuſmodi viſitationis, inquiſitionis ſeu reformationis totius Academiæ negotia ſive hîc expreſſa fuerunt ſive non expreſſa, quæ neceſſaria ſeu quomodolibet opportuna, facere & exequi.

Et quoniam ſtudium *Juris Civilis* non ſolùm jam aliquot annos deferbuiſſe in Academiâ noſtrâ *Oxon.* verùm etiam propemodum extinctum

eſſe nobis indicatum eſt, præcipuam vobis omnibus curam & ſollicitudinem imponimus, ut quibus poteritis viis & modis illud excitetis & amplificetis, cui ſtudio ut poſſitis ampliùs mederi, & fructu laboris ac diligentiæ juventutem ad illud accendere, pleniſſimam ac ſummam authoritatem, per abſolutam & regiam noſtram poteſtatem vobis conceſſimus, univerſum numerum in lege Civili ſtudentem in Collegio B. *Mariæ*, vocatæ *The New College of Oxford*, in Collegium *Omnium Animarum*, & univerſum numerum in artibus ſtudentium in Collegio *Omnium Animarum*, in Collegium prædictum B. *Mariæ*, commutandum, transferendum & conſtituendum, prout vobis commodiſſimum videbitur. Sic ut in Collegio *Omnium Animarum* tantùm ſint, qui legis Civili ſtudio vacabunt, & in Collegio B. *Mariæ* prædicto illi tantùm ſint, qui artium & verbi Dei ſtudio poſthâc ſemper incumbent.

Dedimus quoque vobis authoritatem Collegium Medicinæ in aliquo idoneo loco dictæ Univerſitatis conſtituendum, deputando aliquod unum Collegium illi ſtudio, quodcunque vobis videbitur, & eos ſocios in illo Collegio Medicinæ deputando, qui ad Medicinam ſtudium ſuum velint convertere, ſi ad hoc per vos idonei judicabuntur, ſocios Collegii noſtri Medicinæ faciendum: eos verò qui nolunt ſequi illam artem, vel ad eandem minus idonei judicabuntur, in alia Collegia transferendum, vel penſiones Magiſtro ſive ſociis illius Collegii aſſignandum, *&c.*

REGI-

REGINA, &c. Dilectis nobis Reverendis in Christo Patribus, *Johanni London.* & *Johanni Roffen.* respectivè Episcopis, nec non honorandis Dominis *Christophoro Wray* Militi, Baroni capital. Scaccarii nostri, egregiis viris Domino *Willielmo Cordell* Militi, Rotulorum Magistro, & *Thomæ Wilson* Legum Doctori à Libell. supplic. Magistro *Johanni Gibbons* Legum Doctori, Curiæ Cancellariæ nostræ Magistro, & *Johanni Griffith* Legum Doctori, Salutem. Ex parte prænobilis viri & dilecti Consanguinei & Consiliar. nostri Domini *Roberti* Comitis *Leicestriæ*, Universitatis & Academiæ *Oxon.* summi Cancellarii, & Doctorum, Magistrorum, Scholariumque ejusdem Academiæ, nobis querelat. & supplicat. est, quòd cùm Academia nostra *Oxonii* prædicta multis abhinc annis retroactis amplissimis privilegiis, exemptionibus, concessionibus, indultis & immunitatibus Regiâ authoritate & statutis Parliament. nostri regni *Angliæ* confirmatis & corroboratis, ornata & dotata fuerit: Ita quòd inquisitio, cognitio, auditio, decisio finalis & terminatio omnium & singulorum contractuum, placitorum personal. querel. causarum, controversiarum, quocunque nomine censeantur, sive censeri poterunt (Mahemio & Felon. & Assizis & Placitis de libero tenemento duntaxat exceptis) qualitercunque emergentibus infra præcinct. Universitatis prædictæ, ubi una pars est Magister, Scholaris, aut Serviens Scholaris, aut aliàs privilegiata persona, ad Cancellarium præfatæ Universitatis pro tempore existentem, pertineat, ac pertinere debet: Quóque Doctores, Magistri & Scholares omnes & singuli dictæ Academiæ, ab omni jurisdictione, dominio vel potestate quorumcunque

Pat. 14. *Eliz. de Commissione pro Academiâ Oxon.*

Archiepiſcoporum, etiam Legatorum natorum, nec non Epiſcoporum ac aliorum ordinariorum judicum quorumcunque, quoad omnes contractus vel quaſi initos infra prædictam Univerſitatem, & quoad omnia crimina vel quaſi & punitionem eorundem (exceptis præexceptis) & quoad omnes Actus ſcholaſticos quamdiu degerint in eâdem Univerſitate, ſint exempti & totaliter liberati, & prædicto Cancellario ſubjecti. Et quòd Cancellarius prædictæ Univerſitatis omnem & omnimodam juriſdictionem, etiam Eccleſiaſticam & ſpiritualem, in prædictos Scholares & alias perſonas, exercere liberè & licitè poſſit & valeat. Et quod nulli homini liceat hujuſmodi pagin. & privileg. exemptionis, liberationis & ſubjectionis ullatenùs infringere vel contravenire. Cúmque Cancellar. pro tempore exiſtens, & Scholares dictæ Univerſitatis, per tempus cujus initii vel contrarii hominis memoria non exiſtit, fuerint & ſint (ſalvis infradicend.) & ſic eſſe debent in pacificâ & quietâ poſſeſſione, quaſi hujuſmodi privilegiorum, exemptionis, immunitatis, liberationis & ſubjectionis, ut præfertur; cùm etiam omnes & ſinguli Graduati, qui ſunt de gremio Univerſitatis prædictæ, tempore eorum & cujuſlibet eorum admiſſionis ad gradum quemcumque, tactis ſacroſanctis Evangeliis, ſolenne & corporale præſtant * juramentum & dant fidem ad obſervand. ſtatuta, privilegia, conſuetudines & libertates prædictæ Univerſitatis, & quòd adverſant. cuicunque ſtatuto, conſuetudinibus, aut aliis prædictæ Univerſitatis juribus, libertatibus & privilegiis non ſovebunt conſilio, auxilio, nec favore; ſed quantum in illis eſt, eadem inconcuſſè obſervabunt pariter & fovebunt. *Quidam tamen Willielmus Wilſon in Theologiâ Baccalaureus & Scholaris in dictâ Univerſitate degens, & de gremio ejuſdem exiſtens*, qui prædictum

* *Nota.*

dictum juramentum vel in effectu consimile subivit, & præmissorum omnium & singulorum satis sciolus, asserens, & minùs verè prætendens se fuisse & esse legitimè electum ad officium Rectoris sive Præpositur. *Collegii Lincoln.* in dictâ Academiâ, ac etiam sub sigillo communi Collegii prædicti, juxta tenorem statutorum ejusdem Coll. præsentatus Reverendo in Christo Patri Domino *Thomæ Lincoln.* Episcopo (quum tamen sic minimè legitimè electus aut præsentatus fuerit) ac dictum Reverendum Patrem eundem *Willielmum Wilson* in officium Rectoris admittere penitùs recusâsse, seu saltem æquo diutiùs distulisse: contra privilegium exemptionis, liberationis & subjectionis prædictæ Universitatis, & in manifestum præjudicium & violationem eorundem, ac contra juramentum suum prædictum, apud dilectum subditum nostrum *Barthol. Clerk* Legum Doctorem, Curiæ *Cantuar.* de *Arcubus* Officialem de præmissis ad jurisdictionem Universitatis prædictæ spectantibus & pertinentibus, de facto in judicio contra præfatum Reverendum Patrem conquestus & querelatus fuit, atque authoritate dicti Officialis *Cant.* præfatum Reverendum Patrem *Lincoln.* Episcopum ad admittendum eundem *Willielmum* in Rectorem prædictæ beatæ *Mariæ*, ac *Omnium Sanctorum Lincoln.* in Universitate *Oxon.* seu sic admitti faciendum, justitiamque eidem in eâ parte administrandum, infra quoddam tempus in eâ parte assignatum & limitatum, moneri mandavit & curavit; ipsumque Reverendum Patrem ad comparendum coram eodem *Officiali Cant.* ad dicendum causam, quare jus admittendi prænominatum *Wilson* in Rectorem Collegii prædicti non debeat pronunciari ad dictum *Officialem* & Curiam prædictam, ob justitiam per eundem Reverendum Patrem in eâ parte denegatam devolvi, citari

fecit & obtinuit: Ac etiam tam dicto Reverendo Patri, quàm etiam Venerabilibus viris Magiſtris *Herbarto Weſtfalling*, *Laur. Humphrey* & *Tho. Buckley*, ſacræ Theologiæ Profeſſoribus, Magiſtris *Walt. Baylie* & *Olivero Whittington* in Medicinâ Doctoribus, nec non *Willielmo Smyth* Legum Doctori, prædicti Reverendi Patris, Patrini & Viſitatoris Commiſſariis, ritè & legitimè infra dictam Univerſitatem, ſub pœnâ contemptûs, ne quicquam in præjudicium prædicti *Willielmi Wilſon*, aut ſuæ querel. prædictæ, attemptent, aut eorum aliquis attemptaret: nec non poſtea Reverendiſſimus Pater Dominus *Edmundus*, permiſſione divinâ *Cantuarienſis* Archiepiſcopus, ad inſtantem petitionem & procurationem ejuſdem *Willielmi Wilſon*, cauſam hanc ſive querelam ad ſe advocavit, atque cognitionem, diſcuſſionem, & finalem determinationem ejuſdem *Davidi Lewes*, *Hen. Jones*, *Laur. Huſſe*, & *Nic. Steward*, Legum Doctoribus & Curiæ *Cantuariæ* Advocatis, conjunctim, ſeu eorum duobus quibuſcunque, de facto commiſit & delegavit, iidemque Commiſſarii ſive Delegati vigore Commiſſionis ſive Delegationis hujuſmodi in dicto negotio proceſſerint, coram quibus lis pendet adhuc indeciſè. Et licèt pars dicti Reverendi Patris coram dictis Commiſſariis nonnulla pro defenſione ſuâ, tam contra prætenſam Electionem & perſonam dicti *Will. Wilſon*, & ejus inhabilitatem, quàm contra indebitam formam & modum præſentationis dicti *Wilſon*, ſibi ſub ſigillo Collegii ad cauſas factas allegavit, allegataque hujuſmodi admitti, ac jus & juſtitiam ſibi & parti ſuæ miniſtrari, terminumque probatorium ad probatos hujuſmodi allegat. ſibi aſſignari petierit; dicti tamen Commiſſar. terminum probatorium hujuſmodi aſſignare expreſſè, ſeu ſaltem tacitè recuſâre, ſeu plus juſtò diſtulere,

diſtulêre, partique dicti Reverendi Patris ad proband. hujuſmodi allegatum, per reſponſionem partis principalis & exhibitionem inſtrumentorum tant. aſſignare. Et licèt quidam *Tho. Underhill*, A. M. Procurator dictæ Univerſitatis *Oxon.* & nomine Procuratoris ejuſdem Univerſitatis, ſub proteſtationibus de non conſentiendo in dictos Commiſſarios, tanquam in judices competentes, neque quoviſmodo eorum juriſdictionem comperuerit, ac animo declinandi forum dictor. Commiſſarior. privilegia, exemptiones, libertates & immunitates dictæ Univerſitatis omnia & ſingula prædicta in debitâ juris formâ propoſuerit & allegaverit, & ideo ſuperſedend. fore in prædictâ cauſâ, ac recognitionem & determinationem ejuſdem cauſæ ad examen dicti Cancellarii *Oxon.* remitti petierit. Dicti tamen Commiſſar. non ſolùm ſuperſedend. fore decrevêre, ac cauſam remittere expreſſè, ſeu ſaltem tacitè renuerunt & recuſârunt, ſeu ſaltem plus juſto diſtulerunt, ſeu ad nonnullos alios actus judiciales & privilegiis prædictis præjudiciales proceſſerunt, in præjudicium non modicum & violationem privilegiorum & exemptionis dictæ Univerſitatis, & Cancellarii & Scholarium ejuſdem, & in contemptum & præjudicium authoritatis noſtræ regiæ in dictâ Academiâ, &c. Unde pars dicti prænobilis *Comitis, Cancellarii, Doctorum, Magiſtrorum* & *Scholarium* Univerſitatis prædictæ nobis humiliter ſupplicari fecit; quatenùs tam recognitiones querelæ prædictæ quàm quarumcunque aliarum cauſarum, privileg. & exemptiones prædict. qualitercunque concernent. ſeu tangent. aliquibus probis & prudentibus viris examinandas & fine debito terminandas committere dignaremur. Nos verò eorum in hâc parte humilibus ſupplicationibus favorabiliter inclinati, ac jus & juſtitiam,

tiam, ejuſque miniſtrationem & complementum nemini denegare volentes, quinimò debitè miniſtrari maximoperè affectantes; nolenteſque privilegia, immunitates & executiones Univerſitatis noſtræ prædictæ in aliquo violari, aut quâvis authoritate, ſeu quovis quæſito colore minui aut infringi, ſed quantum in nobis eſt eadem tueri & defendere: *Vobis de quorum probitate, prudentiâ, ſcientiâ, & in rebus gerendis dexteritate ſpeciali fiduciam obtinemus, ex ſcientiâ & mero motu noſtris, & ex plenitudine* poteſtatis noſtræ, *per hæc ſcripta noſtra committimus, & mandamus vos, quòd omnes, octo, ſeptem, ſex, quatuor, tres aut duos veſtrûm, vocatis dictis Reverendo Patre Lincoln. Epiſcopo & Will. Wilſon* in ſpecie, & aliis quibuſcunque de jure vocandis in genere, *ſummariè & de plano, ac ſine ſtrepitu & figurâ judicii*, ſolâ rei & facti veritate inſpectâ ac merâ æquitate attentâ, omnibus viis, modis & formis quibus meliùs & efficaciùs poſſitis, de & ſuper veritate præmiſſorum & privilegiorum & exemptionum dictæ Univerſitatis, ac in cauſâ & cauſis prædictis, unà cum ſuis incidentiis, emergent. dependent. annexis & connex. quibuſcunque procedatis, & fine debito, omni appellatione, & querelis, nullitat. & ſupplicatione remotis, terminetis: ſtatutis, canonibus & conſuetudin. in contrarium editis, litiſve penden. in aliquo non obſtantibus; facientes quòd ea quæ in præmiſſis decreveritis, per legitima juris remedia firmiter obſervari. *In cujus rei, &c. Teſte Reginâ apud Weſtm. 23. die April. anno regni decimo nono.*

Breve

Breve de Habeas Corpus cum Cauſa.

Jacobus Dei gratiâ *Angliæ*, *Scotiæ*, *Franciæ* & *Hiberniæ* Rex, Fidei Defenſor, &c. Omnibus ad quos hæ literæ noſtræ pervenerint, Salutem. Inſpeximus quoddam Recordum coram nobis habitum in hæc verba. Placita coram Domino Rege apud *Weſtmonaſterium* Termino S. *Michaelis* anno Regni D. *Jacobi* nunc Regis *Angliæ* ſeptimo ——— Rotulo 83°. ff. Dominus Rex mandavit Vice-comitem *Oxon.* Breve ſuum clauſum in hæc verba. ff. *Jacobus* Dei gratiâ Rex *Angliæ*, *Scotiæ* & *Hiberniæ*, Fidei Defenſor, &c. Vicecomiti *Oxon.* Salutem. Præcipimus tibi quod corpus *Richardi Paynter* in priſonâ noſtrâ ſub cuſtodiâ tuâ, ut dicitur, detentum ſub ſalvo & ſecuro conductu una cum die & cauſâ captionis & detentionis ſuæ quocunque nomine cenſeatur in eadem coram nobis apud *Weſtmonaſterium* die Jovis proxime poſt craſtinum S. *Martini* ad faciendum & recipiendum ea omnia & ſingula quæ curia noſtra coram nobis de eo ad tunc & ibidem conſiderabit in hâc parte, & habeas ibidem tunc hoc Breve: Teſte *T. Flemming* apud *Weſtmonaſterium*, nono die Novembris, anno Regni noſtri *Angliæ*, *Franciæ*, & *Hiberniæ*, ſeptimo, & *Scotiæ* xliii.

Rooper.

Virtute cujus quidem Brevis *Henricus Samborne* Armiger, Vice-comes Com. prædicti eidem D. Regi apud *Weſtmonaſterium*, ad diem prædictum certificavit in hâc quæ ſequitur formâ.

ff. EGO *Henricus Samborne* Armiger, Vicecomes Comitatûs *Oxonienſis*, Domino Regi certifico, quòd Univerſitas *Oxon.* eſt antiqua

qua Univerſitas, & à tempore cujus contrarii memoria hominum non exiſtit uſitato & approbato, fuit corpus politicum & corporatum, conſiſtens ex Cancellario, Magiſtris & Scholaribus ejuſdem Univerſitatis. Quodque iidem Cancellarius, Magiſtri & Scholares nunc habent, & à tempore cujus contrarii memoria hominum non exiſtit uſitato & approbato, habuerant & habere conſueverunt & debuerunt, cuſtodiam & gubernationem tam dictæ Univerſitatis quam Villæ & Civitatis *Oxon.* nec non conſervationem pacis, & curam vigiliarum, earumque præfecturam tempore nocturno tam infra Univerſitatem *Oxon.* prædictam, quam infra Villam & Civitatem *Oxon.* prædictam, & ſuburbia ejuſdem. Et quòd Cancellarius dictæ Univerſitatis pro tempore exiſtens toto tempore prædicto, per ſe aut per Commiſſarium ſuum legitimè deputatum, uſus fuit & conſuevit Curiam tenere infra Univerſitatem prædictam ad libitum ſuum pro punitione & coercione omnium Malefactorum, Pacis Perturbatorum, Noctivagantium & Tranſgreſſorum, contra Statuta, libertates, conſuetudines, & privilegia ejuſdem Univerſitatis, tàm per incarcerationem quàm per pœnam pecuniariam. Et quòd iidem Cancellarius, Magiſtri & Scholares toto tempore prædicto, uſi fuerunt & conſueverunt condere & conſtituere leges, ſtatuta & ordinationes, pro bonâ gubernatione & regimine tam tempore Nocturno quàm diurno, tam Scholarium Univerſitatis prædictæ quàm Inhabitantium Villæ & Civitatis *Oxon.* & Suburbiorum ejuſdem. Et Domino Regi certifico, quòd *Ricardus Paynter* in Brevi prædicto infra-nominatus 13° die Octobris, anno Domini 1609. coram *Johanne King* S. Theol. Doctore & Commiſſario Reverendiſſ. in Chriſto Patris *Ricardi*, providentiâ divinâ Archiepiſcopi *Cantuarienſis*,

tuarienſis, & almæ Academiæ *Oxon.* Univerſitatis prædictæ ritè deputato in curiâ ejuſdem Cancellarii tentâ in Eccleſiâ Beatæ *Mariæ* Virginis *Oxon.* infra Univerſitatem *Oxon.* prædictam eodem 13° die Octobris prædict. anno Dom. 1609. prædicto, legitimo modo conventus fuit pro eo quod in communibus plateis Civitatis *Oxon.* idem *Ricardus* inventus fuit Noctivagus inter Horas nonam poſtmeridianam & quartam matutinam ſine cauſâ rationabili contra formam & effectum cujuſdam Statuti per præfatum Cancellarium, Magiſtros & Scholares contra Noctivagantes legitimè editi, & per diverſa Domini Regis & Progenitorum ſuorum Regum & Reginarum *Angliæ* Chartas & Statuta hujus Regni *Angliæ* conceſſa, ſtabilita & approbata, per quod quidem Statutum proviſum & ſancitum eſt, quòd quicunque convictus fuerit coram Cancellario & ejus Commiſſario Univerſitatis prædictæ pro tempore exiſtente pro nocturnâ vagatione (ut præfertur) ſine causâ rationabili, forisfaceret pro quâlibet offensâ de quâ bis convictus fuerit 40 Solidos ad uſum prædictorum Cancellarii, Magiſtrorum & Scholarium Univerſitatis prædictæ pro tempore exiſtent. Et ſi poſt hujuſmodi Convictionem prædictam mulctam pecuniariam infra 8 dies tunc proximè ſequentes non perſolverit ad uſum prædictum, tunc incarceretur per judicium ejuſdem curiæ, quouſque mulctam pecuniariam prædictam ad uſum prædictum perſolverit. Et quia præfato Commiſſario in Curiâ prædictâ ad tunc & ibidem manifeſtè apparebat tam ex propriâ confeſſione ipſius *Ricardi Paynter* per decem ſeparatas noctes inter primum diem Octobris anno regni dicti D. *Jacobi* nunc regis ſeptimo, noctivagatum fuiſſe ſine causâ rationabili contra formam Statuti prædicti, ideo idem *Ricardus* in eâdem curiâ

ſuper-

ſuper-inde ritè & legitimè convictus fuit, & per eandem curiam tunc & ibidem condemnatus fuit ad ſolvendum ad uſum prædictum 40 Solidos pro quâlibet vice noctivagationis ſuæ prædictæ. Et quia prædictus *Ricardus Paynter* infra 8 dies poſt Convictionem ſuam prædictam mulctam prædictam ad uſum prædict. non ſolvit, ideò per judicium ejuſdem curiæ tentæ coram prædicto Commiſſario 25° Oct. anno ſeptimo ſupradicto in Eccleſiâ B. *Mariæ* Virginis prædictæ commiſſus fuit ibidem remanſurus quouſque mulctam prædictam ad uſum prædictum perſolverit. Et hæc eſt cauſa captionis & detentionis prædicti *Ricardi Paynter* in Priſonâ prædictâ. Cujus corpus coram Domino Rege juxta exigentiam Brevis prædicti paratum habeo, prout interius mihi præcipitur.

Henricus Samborne Armiger, Vicecomes.

Citatio Delegatorum Parliamentorum ad viſitandam Academiam.

NOS quorum nomina literis præſentibus ſubſcripta ſunt, Procuratoribus modernis Academiæ *Oxonienſis*, nec non univerſis & ſingulis Collegiorum & Aularum ibidem Præfectis, Præpoſitis, Cuſtodibus, Magiſtris, aliiſque quocunque nomine notis Rectoribus ac Rectorum Vices pro tempore gerentibus, Salutem. Cùm nos (inter alios) authoritate quâ fungitur Parliamentariâ, vigore ſcilicet cujuſdam ſpecialis Ordinationis ſupremæ Curiæ Parliamenti jam ſedentis nuper editæ gerentis datum primo die Maii, anno Domini 1647. poteſtatem ſufficientem nobis in hâc parte

parte concedentis, eandem Academiam, omniaque & ſingula ibidem Collegia & Aulas, eorundemque Academiæ, Collegiorum & Aularum reſpectivè Magiſtros, Scholares, Socios, Membra, Officiarios & Miniſtros quoſcunque, ob morum correctionem, ejuſdemque Academiæ debitam Reformationem (vitia extirpando & virtutes plantando) prope diem (annuente Deo) viſitare ſtatuerimus: Vos igitur & quemlibet veſtrûm reſpectivè, omneſque & ſingulos Scholares, Socios, Membra, Officiarios & Miniſtros Academiæ prædictæ Collegiorumque & Aularum ibidem reſpectivè, tenore præſentium peremptoriè citamus & monemus quod compareatis, & veſtrûm & eorum quilibet reſpectivè compareat coram nobis aut aliis Collegis ſive Condelegatis noſtris in publico ejuſdem Academiæ Convocationis domo, die Veneris, viz. quarto die menſis Junii jam proxime futuri, inter Horas nonam & undecimam antemeridianas ejuſdem diei, cum continuatione & prorogatione dierum & tunc ſequentium & loci (ſi & quatenus oporteat) in eâ parte fiendis, viſitationem noſtram hujuſmodi authoritate, quâ ſuprà, tunc & ibidem (divinâ auxiliante gratiâ) actualiter exercendam in omnibus ſubituri, ulteriuſque facturi & recepturi, quod natura & qualitas ejuſdem negotii de ſe exigant & requirant, & ſecundum quod nobis & cæteris Collegis ſive Condelegatis noſtris dabitur in mandatis. Vobis Procuratoribus antedictis, tenore præſentium firmiter injungentes, quatenus omnium & ſingulorum Bedellorum, Regiſtrariorum & cæterorum Academiæ memoratæ Miniſtrorum quorumcunque ditioni veſtræ ſubditorum, nomina & cognomina in quâdam Schedulâ exinde conſcriptâ & manibus ſubſignatâ veſtris, nobis aut aliis Collegis ſive Condelegatis noſtris, dictis die, horis & loco, debitè ſignificetis,

nificetis. Volentes inſuper & cuilibet Collegii atque Aulæ intra Academiam antedictam Præpoſito, Rectori, Magiſtro aut Vice-magiſtro, quocunque nomine noto, mandantes, quatenus ipſe conſimilem ſchedulam nominum & cognominum omnium & ſingulorum Scholarium, Sociorum, Membrorum, Officiariorum & Miniſtrorum, proprii cui præſidet Collegii ſive Aulæ tunc & ibidem nobis, (ut præfertur) aut aliis Collegis ſive Condelegatis noſtris præſentet: Et hoc ſub periculo incumbenti nullatenus omittatis. Datum 15 die Maii, anno Dom. 1647.

Chriſtopher Rogers, *Na. Brent*,
E. Corbet, *Gul. Prynne*,
Henr. Wilkinſon, *J. Packer*,
Franc. Cheynell, *Will. Tippinge*,
Joh. Heylyn,
Gab. Becke.

Breviarium Chartæ Hen. 8vi Anno Regni 14to.

1. HEnricus Octavus ad procurationem *Thomæ Wolſey*, *Eboracenſis* Archiepiſcopi conceſſit, &c. quantum in nobis eſt Cancellario & Scholaribus Univerſitatis *Oxon.*

Item, Quòd Cancellarius, Commiſſarius & Deputatus Commiſſarii, erunt Conſervator & Juſticiarius Pacis infra Villam, Suburbia, & quatuor Hundreda prox.

Item, Quòd ſint Juſticiarii Pacis per privilegium infra Comitatus *Oxon.* & *Berkſ.*

Item, Quòd habeant Poteſtatem qualem aliqui Juſticiarii infra Regnum *Angliæ* habeant, exceptis Mahemio & Feloniâ.

Item,

Item, Quòd poſſint facere & conſtituere Juſticiarios pacis pro Rege.

Item, Quòd faciant Juſticiarios ad omnimodas proditiones, Murdra, Felonias, Mahemia, & alia Malefacta, &c.

Item, Ad audiendum & determinandum, &c.

Item, Quòd nec Major Villæ, nec aliquis Juſticiarius Angliæ verſus aliquam privilegiatam perſonam inquirat aut intromittat, &c.

Item, Quòd ſuperſedeas verſus Majorem & alium quemcunque Juſticiarium & Commiſſarium, &c.

Item, Quòd habeant Goalam ſuam ad puniendum & deliberandum, &c.

Item, Quòd unus Juſticiarius Univerſitatis ſemper ſit ad deliberandam aliquam Goalam infra Villam aut Suburbia *Oxon.*

Item, Quòd Vicecomes *Oxon.* & *Berks.* ad Juſticiarium Univerſitatis faciat Retornat' & exequatur & attendat pro Executione Præcepti, Warranti, &c. ſub forisfacturâ 200 l.

Item, Quòd habeant omnes Fines, Amerciamenta & Forisfacturas quæcunque, &c. ſcilicet per Brevia, Præmunire, &c. de Statutis in poſterum edendis tangent' Scholares & perſonas privilegiatas.

Item, Quòd habeant Strepum, Vaſtum, Deodandum, & Theſaurum inventum, Felonum, Utlagatorum, Fugitivorum, damnatorum & damnandorum Felonum per ſe & Felonum in exequend' & infra Villam *Oxon.* & ſuburbia ejuſdem cujuſlibet & quorumque Ligeorum ſive ſubditorum noſtrorum.

Item, Manuopera.

Item, Quòd tot quot poſſunt pertinere regi.

Item, Quòd poſſint habere, levare & colligere Fines, Amerciamenta, Redemptiones, forisfacturas, &c.

Item, Quòd Cancellarius, Scholares, Servientes, &c. & cujuſlibet eorum Servientes ſeu Serviens, Miniſter, Firmar', Tenentes ſui ſint exonerati & quieti de quibuſcunque Priſis, Chiminagiis, Captionibus, Carriagiis Equorum, Carrectarum, Plauſtrorum & aliorum Carriagiorum, nec non Frumenti, Hordei, Fœni, Filiginis, Avenarum, Fabarum, Piſarum, Boum, Boviculorum, Vaccarum, Juvencorum, Ovium, Porcorum, Porcellorum, Caprarum, Hædorum, Agnorum, Vitulorum, Anatum, Cauponum, Pullorum, Columbarum, Dentricum, Anguillarum, & aliorum Piſcium recentium quorumcunque, ab Volatilibus, Cuniculis, &c.

Item, Quòd nullus emptorum, priſorum vel captorum Victualium pro Hoſpitio Regis vel alius Miniſter, infra viginti milliarium Univerſitatis ingrediatur ad capiendum ſine Licentia Cancellarii, &c.

Item, Pro Renovatione Indictamentorum aliquorum coram alio Juſticiario per Indenturam certificatoriam Cancellarii, &c. tangent' privilegia, &c.

Item, Quòd Proceſſus & Executio ſuper talibus Indictamentis deliberat' ſuperſedeas ſub pœnâ 40 l.

Item, Quòd prædicta Indictamenta audiri & terminari coram Cancellario, &c.

Item, Quòd aliquod Indictamentum remanen' per Breve de Certiorari in aliquâ Curiâ ſup. ſignificatione Cancellarii deliberetur ſuperſedeat ſub pœnâ 40 l.

Item, Quòd tales exitus, proficua, Fines, Amerciamenta, & Forisfacturæ quæcunque, ſint ad opus & uſus Univerſitatis inperpetuum.

Item, Quòd arreſtat' ſive impriſonat' immediatè poſt calumpniam debet, & coram Univerſitatis Cancellario determinari.

Item,

Item, Quòd non licet Majori ſive alicui Juſticiario vel Commiſſario Regis poſt calumpniam Cancellarii, ſive per Juſticiarios ſuos, facere Proceſſus, ſuper aliquo indictamento, ſub pœnâ 40 l.

Item, Quòd habeant omnes libertates & privilegia Univerſitatis nunc & pro antea conceſſis.

Item, Quòd Cancellarius faciat mandatum ſive præceptum miniſtro Univerſitatis pro Summoñ. viſus franci Pilegii.

Item, Quòd poſſint facere *Common Pinfolde* ſive parcum pro diſtrictionibus, & habere omnia advantagia & feoda eidem parco pertinen.

Item, Si aliquis privilegiatus ſit arreſtatus ſive impriſonatus exiſtens infra Regnum Angliæ, immediate poſt notitiam Cancellarii deliberabit'

Item, Quod deliberentur ſine feodo ſub pœnâ 10 *l.*

Item, Quòd privilegiati poſſint merchandizare & exercere manualia artificia infra villam *Oxon.* & ſuburbia ſicut Burgenſes.

Item, Quòd privilegiati ſint liberi & exonerati ab omni contributione ſine licentiâ pro libertate & franc. Burghi Majorum.

Item, Quòd Cancellarius & Congregatio poſſint facere corporationes, ſtatuta, & ordinationes, cum pœnis ad obligand. contra ſtatuta aliqua.

Item, Quòd poſſint recipere bona ſive catalla ſua furata, licet ſectat fuerunt per Vicecom. vel alium miniſtrum.

Item, Quòd Cancellar. &c. non trahantur extra Univerſitatem pro falſo Judicio, vel pro eodem vexentur vel perturbentur.

Item, Hac conditione ad obediendum ſummoniæ procuratorum ſecundum ſtatuta & ordinat. ſub pœnâ 20 l. forisfact. Univerſitati, &c.

Item, Quòd Cancellarius & Major conjunctim & non diviſim, authoritatem habeant ad aſſidend.

pro xva & xa. & pro alloc. &deduct.

Item, Quòd Cancell. ſive ejus Commiſſarius ſive Deputatus, & non Major, nec alii Commiſſarii aliquos privilegiat' taxent.

Item, Quòd Cancell. per miniſtros ſuos pecuniam ſic aſſeſſam colligat & collectet, ad hoc deputat' per Indenturam deliberat'

Item, Pro aliqua alia taxatione Cancell. aſſociet ſibi Præſidentem & Cuſtodem Coll. *Mariæ Magdalenæ Winton.* &c. aliarum vel duobus eorundem & taxent omnes privilegiat'& detur per Indenturam.

Item, Perdona pro omnibus maleficiis aut dat carta prædicta Univerſitat. & privileg.

Item, Si iſtæ literæ minus validæ & inſufficientes ſint, quod tunc Cancellar. *Angliæ* eas meliores pro commodis ſuis faciat, abſque aliqua proſecutione inde Regis, hæredum, aut ſucceſſorum ſuorum.

Item, Quòd hæ literæ & omnes aliæ chartæ Univerſitat. confectæ per generalia verba, ſint ejuſdem vigoris & virtutis ſicut eſſent plus ſpecialiter & particulariter ſpecificatæ.

Item, Quòd hæ literæ legantur & indicantur pro ipſis prout melius intelligi poterint.

Item, Quòd omnes hæ libertates &c. & omnia alia eis pro antea conceſſis habeant & gaudeant in perpetuum.

Item, Quòd habeant & gaudeant plenam cognitionem de omnibus cauſis, materiis, querelis & placitis quibuſcunque, placito de libero tenemento tantummodo excepto, ſi una pars ſit privilegiat' licet tangat Regem vel Hæredes ſuos.

Item, Quòd habeant & percipiant omnia amerciamenta, exitus, foriſfacturas,& proficua inde pervenien. ad commodum & utilitatem Univerſitatis.

Item,

Item, Quòd nullus Juſticiarius, Judex, vel Officiarius Regis, vel hæredum ſuorum de querelis privilegiatos tangentib. infra Regnum *Angliæ* ſe in aliquo intromittant.

Item, Et ſi intromittere præſumpſerint, ſuper certificatorio Cancellarii ſuperſedeant.

Item, Et poſt tale certificatorium Cancell. Univerſitatis prædictæ, ad reſpondendum non ponant.

Item, Quòd hæ literæ deliberentur abſque aliquo feodo in hanaperio Canc. Regis ſolvend..

Dat. T. Rege apud Weſtm. 1° *Aprilis Anno Regni* Henrici *prædicti* 14°.

The Proviſo in the laſt Charter of the Town granted 28 menſis Julii, anno Regni Regis Jacobi 3°. Scotiæ 38°.

VOlumus inſuper, & per præſentes pro nobis Hæred. & Succeſſor. noſtris, providimus & firmiter injungendo præcipimus & mandamus, quòd prædictæ conceſſiones noſtræ aut earum aliquæ vel aliquid in his præſentibus contentum aut ſpecificatum, non aliqualiter ſe extendant aut aliquo modo confirmentur aut adjudicentur extendere aut fore in aliquod damnum aut præjudicium Cancellarii, Magiſtrorum & Scholarium Univerſitatis *Oxon.* aut in dampnum, præjudicium aut enervationem aliquarum libertatum, francheſiarum, immunitatum, privilegiorum aut aliquorum Hæred. eorundem Cancell. Magiſtrorum & Scholarium ejuſdem Univerſitatis *Oxon.* aut aliquorum Collegiorum, Aularum, Hoſpitiorum

tiorum quorumcunque in quibus liberales artes & ſcientiæ profeſſæ ſint aut doceantur. Sed quòd omnes & ſingulæ libertates, franchefiæ, immunitates, privilegia & hæreditamenta tam prædict. Cancell. Magiſtrorum & Scholar. prædict. Univerſitatis *Oxon.* quam & ſingulorum omnium prædictorum Collegiorum, Aularum, ſeu Hoſpitiorum quorumcunque valida, firma, illæſa, & in ſuo pleno robore perpetuis futuris temporibus remaneant, his præſentibus aut aliquo in iiſdem content. & ſpecificat. non obſtante: Volumus etiam, &c. abſque fine in hanaperio, &c. eo quòd expreſſa mentio.

The Proviſo in the Charter of the Town granted 27° Januarii, anno Regni Reginæ Elizabethæ.

COncedimus hæc & illa, &c. Ita tamen quòd Cancellario, Magiſtris & Scholaribus Univerſitatis *Oxon.* ſuper libertatibus & privilegiis iis per nos & progenitores noſtros conceſſis præjudicium aliquod prætextu conceſſionis noſtræ prædictæ nullatenus generetur. Quare volumus & firmiter præcipimus pro nobis & hæredibus noſtris, quod prædict. Burgenſes hæred. & ſucceſſores ſui prædict. habeant omnes libertates & quietancias prædictas ſic per nos ſpecificatas & conceſſas inperpetuum. Ita quòd Cancellario, Magiſtris & Scholaribus Univerſitatis *Oxon.* ſuper libertatibus & privilegiis iis per nos & progenitores noſtros conceſſis præjudicium aliquod prætextu conceſſionis noſtræ prædictæ nullatenus generetur, ſicut prædictum eſt.

Carta

Carta ampliſſima confirmans omnia Privilegia Antiqua.

Univerſitas Oxon.
Anno 1° H. 5.

HENRICUS Dei gratiâ rex *Angliæ*, & *Franciæ*, & Dominus *Hiberniæ*, Archiepiſcopis, Epiſcopis, Abbatibus, Prioribus, Ducibus, Comitibus, Baronibus, Vicecomitibus, Præpoſitis, Miniſtris, & omnibus Ballivis, & fidelibus ſuis, ſalutem. Inſpeximus Cartam Dom. Henrici nuper Regis *Angliæ* patris noſtri factam in hæc verba. HENRICUS Dei gratiâ Rex *Angliæ*, & *Franciæ*, & Dominus *Hiberniæ*, Archiepiſcopis, Epiſcopis, Abbatibus, Prioribus, Ducibus, Comitibus, Baronibus, Militibus, Juſticiariis, Vicecomitibus, Præpoſitis, Ballivis, Miniſtris & aliis fidelibus ſuis, ſalutem. Inſpeximus cartam Confirmationis quam Dominus Ricardus nuper Rex *Angliæ* ſecundus poſt conqueſtum fieri fecit in hæc verba. RICARDUS Dei gratiâ Rex *Angliæ* & *Franciæ*, & Dominus *Hiberniæ*, Archiepiſcopis, Epiſcopis, Abbatibus, Prioribus, Ducibus, Comitibus, Baronibus, Militibus, Juſticiariis, Vicecomitibus, Præpoſitis, Ballivis, Miniſtris, & aliis fidelibus ſuis, ſalutem. Inſpeximus chartam confirmationis quam Dominus *Edwardus*, nuper Rex *Angliæ*, Avunculus noſter, fieri fecit in hæc verba. EDWARDUS Dei gratiâ Rex *Angliæ* & *Franciæ*, & Dominus *Hiberniæ*, Archiepiſcopis, Epiſcopis, Abbatibus, Prioribus, Comitibus, Baronibus, Juſticiariis, Vicecomitibus, Præpoſitis, Miniſtris, & omnibus Ballivis, & fidelibus ſuis, ſalutem. Inſpeximus cartam confirmationis quam nuper fieri

Fauſtina : C. 7. fol. 181. *Cotton Library.*

eri fecimus in hæc verba. EDWARDUS Dei gratiâ Rex *Angliæ*, Dominus *Hiberniæ*, & Dux *Aquitaniæ*, Archiepiſcopis, Epiſcopis, Abbatibus, Prioribus, Comitibus, Baronibus, Juſticiariis, Vicecomitibus, Præpoſitis, Miniſtris, & omnibus Ballivis, & fidelibus ſuis, ſalutem. Inſpeximus literas patentes confirmationis domini *Edwardi* nuper Regis *Angliæ* patris noſtri, in hæc verba. EDWARDUS Dei gratiâ Rex *Angliæ*, Dominus *Hiberniæ*, & Dux *Aquitaniæ*, omnibus ad quos præſentes literæ pervenerint, ſalutem. Inſpeximus literas patentes quas Dominus *Henricus* quondam Rex *Angliæ*, avunculus noſter fecit Cancellario & Univerſitati *Oxon.* in hæc verba. HENRICUS Dei gratiâ Rex *Angliæ*, Dominus *Hiberniæ*, Dux *Normaniæ*, *Aquitaniæ*, & Comes *Andeg.* omnibus ad quos præſentes literæ pervenerint, ſalutem. Noveritis nos pro quiete Univerſitatis Studentium *Oxon.* de ſpeciali gratiâ noſtrâ conceſſiſſe Cancellario, & Univerſitati prædictæ quòd quamdiu nobis placuit in cauſis Clericorum ex mutuis datis aut receptis, aut taxationibus ſeu locationibus domorum, aut equis conductis, venditis, ſeu commodatis, ſeu pannis & victualibus ortum habentibus, ſeu aliis quibuſlibet rerum mobilium contractibus in municipio aut ſuburbio *Oxon.* factis noſtra prohibitio non currat, ſed hujuſmodi cauſæ coram Cancellario Univerſitatis *Oxon.* (nonobſtante prohibitione noſtra) decidantur. In cujus rei teſtimonium has literas noſtras fieri fecimus patentes. Teſte meipſo apud *Radinge*, 10° die Maii, anno regni noſtri xxviii. Inſpeximus etiam quaſdam alias literas patentes quas idem Avunculus noſter fecit prædictæ Univerſitati in hæc verba. HENRICUS Dei gratiâ Rex *Angliæ*, Dominus *Hiberniæ*, Dux *Normaniæ*, *Aquitaniæ*, & Comes *Andegav.* omnibus ad

ad quos præſentes literæ pervenerint, ſalutem. Sciatis quòd ad tranquillitatem & utilitatem tam Magiſtrorum & Scholarium Univerſitatis *Oxon.* quam Burgenſium & aliorum in eâdem Villâ domos habentium, conceſſimus eidem Univerſitati quòd de cætero omnes domus ejuſdem municipii *Oxon.* à Scholaribus inhabitatæ & inhabitandæ de quinquennio in quinquennium retaxentur ſecundùm arbitrium taxatorum Clericorum & Laicorum ex utraque parte juratorum, & volumus quòd iſta retaxatio incipiat à tempore confectionis præſentium literarum. In cujus rei teſtimonium has literas noſtras eidem Univerſitati fieri fecimus patentes. Teſte meipſo apud *Wodeſtoke* 10° die Februarii, anno regni noſtri xl°. Inſpeximus etiam quaſdam alias literas quas idem Avunculus noſter fecit dictæ Univerſitati in hæc verba. HENRICUS Dei gratiâ Rex *Angliæ*, Dominus *Hiberniæ*, & Dux *Aquitaniæ*, omnibus ad quos præſentes literæ pervenerint, ſalutem. Inſpeximus literas quas Univerſitati Scholarium *Oxon.* fieri fecimus, anno regni noſtri treceſimo nono ſub ſigillo noſtro quo tunc utebamur, in hæc verba. HENRICUS Dei gratiâ Rex *Angliæ*, Dominus *Hiberniæ*, Dux *Normaniæ*, *Aquitaniæ*, & Comes *Andegav.* omnibus ad quos præſentes literæ pervenerint, ſalutem. Sciatis quòd ad pacem & tranquillitatem, nec non ad utilitatem Univerſitatis Scholarium *Oxon.* providimus & conceſſimus quòd quatuor Aldermanni fiant in *Oxon.* & octo de diſcretioribus & legalioribus Burgenſibus ejuſdem Villæ aſſocientur ipſis Aldermannis, qui omnes jurent nobis fidelitatem & ſint Aſſiſtentes & Conſulentes Majori & Ballivis noſtris *Oxon.* ad pacem noſtram conſervandam ad Aſſiſas dictæ Villæ cuſtodiend. & ad inveſtigand' malefactores & perturbatores pacis noſtræ,

noſtræ, & vagabundos de nocte & receptores latronum & malefactorum,& corporale præſtent ſacramentum quòd omnia prædicta fideliter obſervabunt. In qualibet autem parochiâ Villæ *Oxon.* ſint duo homines electi de legalioribus parochianis,& jurati quòd in qualibet quindena inquirent diligenter, ne quis ſuſpectus hoſpitetur in parochiâ, & ſi aliquis receptaverit aliquem per tres noctes in domo ſuâ, reſpondeat pro eo. Nullus etiam Regratarius emat victualia,in Villâ *Oxon.* vel extra, verſus villam venientia,nec aliquid emat nec iterum vendat ante horam nonam, & ſi fecerit, amercietur & rem emptam amittat. Si Laicus inferat Clerico gravem vel enormem læſionem, ſtatim capiatur, & ſi magna ſit læſio, incarceretur in caſtro *Oxon.* & ibi detineatur quouſque Clerico ſatisfiat, & hoc arbitrio Cancellar. & Univerſitatis *Oxon.* ſi Clericus protervus fuerit, ſi minor vel levis ſit injuria incarceretur in villa. Si Clericus inferat gravem vel enormem læſionem, laico, incarceretur in prædicto caſtro quouſque Cancellarius prædictæ Univerſitatis ipſum poſtulaverit; ſi minor vel levis ſit injuria,incarceretur in carcere Villæ quouſque liberetur per Cancellar. Piſtores & Braciatores *Oxon.* in primo tranſgreſſu ſuo non puniantur, ſed in ſecundo amittant panem, & in tertio tranſgreſſu habeant judicium de Pillorio; quilibet Piſtor habeat ſigillum ſuum, & ſignet panem ſuum per quod poſſit cognoſci cujus panis ſit. Quicunque de villa *Oxon.* braciavit ad vendendum, exponat ſigillum ſuum, alioquin amittat cerviſiam. Vina *Oxon.* communiter vendantur & indifferenter tam Clericis quam Laicis ex quo imbrochiata fuerint. Temptatio panis fiat bis in anno, viz. in quindena poſt feſtum Sancti *Michaelis*, & circa feſtum Sanctæ *Mariæ* in Martio; & aſſiſa cerviſiæ fiat eiſdem terminis ſecundùm

ſecundùm valorem bladei & braſei. Et quotieſcunque debeat fieri temptatio panis & cereviſiæ, interſit Cancellarius prædictæ Univerſitatis, vel aliqui ex parte ſuâ ad hoc deputati, ſi ſuper hoc requiſiti intereſſe voluerint: quòd ſi non interſint, nec ſuper hoc requiſiti fuerint, nichil valeat temptatio prædicta. In cujus rei teſtimonium has Literas noſtras eidem Univerſitati fieri fecimus Patentes. Teſte meipſo apud *Wodeſtoke* 18. die Julii, anno regni noſtri triceſimo nono. Illud igitur quod ſuperiùs expreſſum eſt, quòd ſcilicet quatuor Aldermanni & octo de diſcretioribus & legalioribus Burgenſibus villæ prædictæ, ipſis Aldermannis aſſociati vel aſſociandi, jurent nobis fidelitatem in præſentiâ noſtrâ, & ſint aſſiſtentes & conſulentes Majori & Ballivis prædictis ad ea quæ ſuperiùs ſunt expreſſa, ſic volumus obſervari, ut ſi præſentes non extiterimus, præſtetur juramentum prædictum coram alio quem loco noſtri ad hoc duxerimus aſſignand. In cujus rei teſtimonium has literas noſtras fieri fecimus Patentes. Teſte meipſo apud *Weſtm.* ſexto die Februarii, anno regni noſtri quadrageſimo ſexto. Inſpeximus quaſdam alias Literas Patentes, quas idem Avus noſter fecit Clericis in dictâ Univerſitate ſtudentibus, in hæc verba. HENRICUS Dei gratiâ Rex *Angliæ*, Dominus *Hiberniæ*, & Dux *Aquitaniæ*, omnibus ballivis ad quos præſentes literæ pervenerint, ſalutem. Cùm grave ſit & tedioſum Clericis laicum feodum habentibus poni in aſſiſis juratis vel recognitionibus ipſis ſcholis inſiſtentibus: Nos hujuſmodi Clericis *Oxon.* ſtudentibus ad inſtantiam Univerſitatis ejuſdem villæ gratiam facere volentes ſpecialem, ipſis concedimus, quòd quamdiu ſtudiis ibidem inhæreant, & ſub habitu Clericali in ſuo ſtudio laudabiliter proficiant, non ponantur in aſſiſis juratis

ratis vel recognicionibus aliquibus: Et ideo vobis mandamus, quòd dictos Clericos contra hanc Conceſſionem noſtram non moleſtetis vel moleſtari permittatis. In cujus rei teſtimonium has Literas noſtras fieri fecimus Patentes. Teſte meipſo apud *Weſtm.* ſecundo die Februarii, anno regni noſtri quadrageſimo nono. Inſpeximus etiam quaſdam alias Literas Patentes, quas idem Avus noſter fecit eiſdem Scholaribus, in hæc verba. HENRICUS Dei gratiâ Rex *Angliæ*, Dominus *Hiberniæ*, & Dux *Aquitaniæ*, omnibus Ballivis & fidelibus ſuis ad quos præſentes literæ pervenerint, ſalutem. Inſpeximus Literas Patentes dudum confectas apud *Wodeſtoke*, in præſentiâ Procuratorum & Scholarium Univerſitatis *Oxon.* & Burgenſium ejuſdem villæ, ſuper quibuſdam libertatibus præfatis Scholaribus conceſſis, in hæc verba. Anno regni Regis *Henrici*, filii Regis *Johannis*, triceſimo ſecundo, 29 die Maii præſentibus apud *Wodeſtoke* tam Procuratoribus Scholarium Univerſitatis, quàm Burgenſibus *Oxon.* idem Dominus Rex conceſſit eiſdem Scholaribus libertates ſubſcriptas, videlicet, Quòd ſi inferatur injuria prædictis Scholaribus, fiat inde inquiſitio, tam per Villatas vicinas, quàm per Burgenſes prædictos. Et quòd ſi ipſi Burgenſes interficiant aliquem de Scholaribus *Oxon.* vel in aliquem ipſorum inſultamentum faciant, vel alicui ipſorum gravem injuriam inferant, Communitas dictæ villæ per ſe puniatur & amercietur; & Ballivi per ſe, & non cum Communitate eâdem, puniantur & amercientur, ſi negligentes fuerint vel dolum fecerint in exequendo officium ſuum contra illos qui hujuſmodi injurias prædictis Scholaribus inferant. Et quòd Judæi *Oxon.* non recipiant à Scholaribus prædictis pro libra in ſeptimanâ niſi duos denarios, & ſimiliter fiat in minori ſummâ ſecundùm ſuam quantitatem, aliquin

oquin prædicti Judæi puniantur ſecundum conſuetudinem Regni. Et quòd quotienſcunque & quandocunque Major & Ballivi *Oxon.* ſacramentum fidelitatis ſuæ præſtabunt in loco ſuo communi, Communitas ejuſdem villæ denunciet Cancellario, ut per ſe vel per aliquas electas perſonas præſtationi juramenti prædicti, ſi voluerit, interſit; quod quidem juramentum tale erit quod ad Scholares prædictos; videlicet, Quòd ipſe Major & Ballivi conſervabunt libertates & conſuetudines Univerſitatis prædictæ; alioquin non valeat juramentum ipſorum, ſed iterum præſtetur ſecundùm formam præſcriptam. Si verò Cancellarius nec per ſe nec per Procuratorem intereſſe voluerit, ad juramentum nichilominus procedatur. Et quòd duo Aldermanni ſint electi & deputati de illis qui pro tempore fuerint, ſecundùm quod ordinati erant à Domino *W.* de *Eborac.* ad exhibendam juſtitiam cùm Præpoſiti abfuerint, ſub eâdem pœnâ quâ Præpoſiti tenentur, ſi negligentes vel malicioſi inveniantur. Et quòd quilibet Burgenſis *Oxon.* pro familiâ ſuâ reſpondeat; ita quòd ſi aliquis de familiâ ſuâ mortem vel gravem injuriam alicui Clerico vel ſuis inferat, malefactorem exhibeat idem Burgenſis, ut fiat de eo juſtitia; alioquin infligatur pœna ſecundùm conſuetudinem regni. Et quòd quotienſcunque debeat fieri temptatio panis & cereviſiæ, ab eiſdem Burgenſibus præcedente die denuncietur Cancellario & Procuratoribus Univerſitatis prædictæ, ut per ſe, vel per aliquos ad hoc deputatos per ipſos, ſi voluerint, interſint temptationi prædictæ; alioquin non valeat temptatio: ſi verò dicti Cancellarius & Procuratores Univerſitatis per ſe vel per ſuos intereſſe noluerint, ad prædictam temptationem nichilominus procedatur. In quorum omnium teſtimonium Dominus *Richardus*, filius *Nicholai*, ſeneſ-

ſeneſcallus Domini Regis, ad præceptum ejuſdem Domini Regis, huic ſcripto ſigillum ſuum appoſuit, eodem Domino Rege per literas mandante Vicecomiti, Majori, & Ballivis *Oxon.* ut prædictas libertates inviolabiliter obſervent & faciant obſervari, quas etiam idem Dominus Rex fecit irrotulari, anno regni ſui trigeſimo tertio. Nos autem prædictam Conceſſionem prædictis Scholaribus ſuper præfatis libertatibus de præcepto noſtro factam, ut prædictum eſt, rata habentes & grata, eam præſentibus Literis noſtris Patentibus Scholaribus antedictis concedimus, & ſigilli noſtri munimine roboramus. Teſte meipſo apud *Wodeſtoke* 21. die Junii, anno regni noſtri quinquageſimo ſecundo. Nos autem Conceſſiones prædictas ratas habentes & gratas, eas pro nobis & hæredibus noſtris, quantum in nobis eſt, eiſdem Cancellario, Magiſtris, Scholaribus & Univerſitati concedimus & confirmamus, ſicut literæ prædictæ rationabiliter teſtantur. Præterea volentes eiſdem Cancellario, Magiſtris, Scholaribus & Univerſitati gratiam in hâc parte facere uberiorem, conceſſimus eis pro nobis & hæredibus noſtris, quòd licet ipſi, vel eorum prædeceſſores, libertatibus prædictis, vel aliquâ earundem, aliquo caſu emergente hactenus plenè uſi non fuerint, ipſi tamen & eorum ſucceſſores libertatibus illis & earum quâlibet, ſine occaſione vel impedimento noſtri vel hæredum noſtrorum, Juſticiariorum, Eſcaetorum, Vicecomitum, aut aliorum Ballivorum ſeu Miniſtrorum noſtrorum quorumcunque, de cætero plenè gaudeant & utantur. In cujus rei teſtimonium has Literas noſtras fieri fecimus Patentes. Teſte meipſo apud *Thunderle*, viceſimo die Maii, anno regni noſtri octavo. Nos autem Conceſſiones prædictas ratas habentes & gratas, eas pro nobis & hæredibus noſtris, quantum in nobis

nobis eſt, præfatis Cancellario, Magiſtris, Scholaribus & Univerſitati, ad inſtantem requiſitionem dilecti Clerici noſtri, Magiſtri *Roberti de Stratford*, Archidiaconi *Cantuar.* Cancellarii Univerſitatis prædictæ (ad cujus perſonam affectionem gerimus ſpecialem) concedimus & confirmamus, ſicut literæ prædictæ rationabiliter teſtantur. Præterea volentes eiſdem Cancellario, Magiſtris, Scholaribus & Univerſitati, ad ſolicitam ejuſdem Clerici noſtri inſtantiam, & contemplationi perſonæ ſuæ gratiam in hâc parte facere ampliorem; conceſſimus eis pro nobis & hæredibus noſtris, & hâc Cartâ noſtrâ confirmamus, quòd licet ipſi vel eorum prædeceſſores libertatibus prædictis, vel aliquâ earundem, aliquo caſu emergente hactenus plenè uſi non fuerint, ipſi tamen & eorum ſucceſſores libertatibus illis, & earum quâlibet, ſine occaſione vel impedimento noſtrî vel hæredum noſtrorum, Juſticiariorum, Eſcaetorum, Vicecomitum, aut aliorum Ballivorum ſeu Miniſtrorum noſtrorum quorumcunque, de cætero plenè gaudeant & utantur. Inſuper cùm per dictas Literas Patentes præfati Proavi noſtri, conceſſum fuiſſet dictis Cancellario & Univerſitati, quòd quamdiu dicto Proavo noſtro placeret in cauſis Clericorum, ex mutuis datis aut receptis, aut taxationibus ſeu locationibus domorum, aut equis conductis, venditis ſeu commodatis, ſeu pannis & victualibus ortum habentibus, ſeu aliis quibuſlibet rerum mobilium contractibus in municipio aut ſuburbio *Oxon.* factis, prohibitio ſua non curreret, ſed hujuſmodi cauſæ coram Cancellario Univerſitatis *Oxon.* non obſtante prohibitione ſuâ, decideren-tur: Volumus & concedimus pro nobis & hæredibus noſtris, de noſtrâ uberiori gratiâ, ut ſtudentes in Univerſitate prædictâ ſtudiis hujuſmodi inhærere & intendere tranquilliùs, & fatigationes,

nes, ac alia litium & jurgiorum diſpendia valeant evitare, quòd in omnibus hujuſmodi cauſis Clericorum in dictâ villâ *Oxon.* & ſuburbiis ejuſdem ortum habentibus, prohibitio noſtra vel hæredum noſtrorum de cætero aliquibus futuris temporibus nequaquam currat, nec locum habeat, ſed hujuſmodi coram Cancellario Univerſitatis prædictæ qui pro tempore fuerit, vel ejus Commiſſario ſive locum-tenente, non obſtantibus hujuſmodi prohibitionibus regiis, perpetuò decidantur. Item cùm in aliis literis prædicti Proavi noſtri contineatur, quòd omnes domus ejuſdem municipii *Oxon.* à Scholaribus inhabitatæ & inhabitandæ, de quinquennio in quinquennium retaxentur, ſecundùm arbitrium taxatorum Clericorum & Laicorum ex utraque parte juratorum: Volumus, & prædictis Cancellario, Magiſtris, Scholaribus & Univerſitati pro nobis & hæredibus noſtris concedimus, quòd omnes domus tam in ſuburbiis dictæ villæ *Oxon.* quàm in eâdem villâ, à Scholaribus inhabitatæ & inhabitandæ, de quinquennio in quinquennium retaxentur in formâ prædictâ. Item cùm per alias literas ipſius Avi noſtri prædictas conceſſum ſit & proviſum, quòd quatuor Aldermanni fiant in *Oxon.* & octo de diſcretioribus & legalioribus Burgenſibus ejuſdem villæ aſſocientur ipſis Aldermannis, qui omnes jurent nobis fidelitatem, & ſint aſſiſtentes & conſulentes Majori & Ballivis noſtris *Oxon.* ad pacem noſtram conſervandam, ad aſſiſas dictæ villæ cuſtodiendas, & ad inveſtigandas malefactores & perturbatores pacis noſtræ, & vagabundos de nocte, & receptores latronum & malefactorum, & corporale præſtent ſacramentum, quòd omnia prædicta fideliter obſervabunt; & quòd in quâlibet parochiâ villæ *Oxon.* ſint duo homines electi de legalioribus parochianis, & jurati quòd in quâlibet quindenâ

denâ inquirent diligentiùs, ne quis ſuſpectus hoſpitetur in Parochiâ: & ſi aliquis receptaverit aliquem per tres noctes in domo ſuâ, reſpondeat pro eo. Ac ex parte prædictorum Cancellarii & Univerſitatis ſit intelligi nobis datum, quòd pro eo quòd aliqui ad ſacramenta Aldermannorum prædictorum & dictorum octo Aſſociatorum in abſentiâ noſtrâ recipienda, & ad dictos duos homines in quâlibet parochiâ dictæ villæ ſic eligendos, minimè deputantur, eadem ſacramenta & electio eâ de cauſâ ſæpiùs ſunt omiſſa, per quod diverſa maleficia in eâdem villâ hactenus perpetrata fuerint, & indies perpetrantur; & nobis ſit ſupplicatum, ut ſuper hoc opportunum apponere remedium dignaremur: Nos pro utilitate & quiete dictæ Univerſitatis providere volentes, conceſſimus pro nobis & hæredibus noſtris, quòd Cancellarius Univerſitatis prædictæ qui pro tempore fuerit, vel ejus Commiſſarius vel locum-tenens, ac Major dictæ villæ pro tempore exiſtens, ſacramenta prædictorum quatuor Aldermannorum & dictorum octo ſibi de Burgenſibus prædictis aſſociatorum, ſingulis annis ad feſtum ſancti Michaelis (ſi nos vel hæredes noſtri tunc ibidem præſentes non fuerimus) noſtro & ipſorum hæredum noſtrorum nomine recipiant, quòd ipſi Aldermanni & Aſſociati omnia prædicta fideliter obſervabunt, & quòd dicti Cancellarius ſive Commiſſarius, vel ejus locum-tenens, ac Major, ſingulis annis, vel magis ſolitò, ſi expedire imminentibus periculis videatur, duos homines in quâlibet parochiâ dictæ villæ & ſuburbiorum ejuſdem de legalioribus parochianis illis eligant vel eligi faciant, & quòd ipſorum ſacramenta noſtro nomine recipiant, quòd ipſi ſic electi & jurati in quâlibet quindenâ diligenter inquirent, ne ſuſpectus aliquis in parochiâ hoſpitetur; & ſi quis aliquem per

tres noctes in domo ſuâ receptaverit, pro eo reſpondeat ut eſt dictum; & quòd de toto facto ſuo in hâc parte dictos Cancellarium ſive Commiſſarium, vel ejus locum-tenentem, ac Majorem pro tempore exiſtentem, diſtinctè & indilatè certificent, ut ipſi ulteriùs contra hujuſmodi ſuſpectos & eorum receptores, prout ad officia ſua pertinet, procedere & facere valeant, prout pro conſervatione pacis noſtræ ibidem, & punitione & caſtigatione malefactorum hujuſmodi rationabiliter fuerit faciendum. Inſuper cùm in aliis Literis Patentibus dicti Proavi noſtri contineatur, quòd quilibet Burgenſis *Oxon.* pro familiâ ſuâ reſpondeat; ita quòd ſi aliquis de familiâ ſuâ mortem vel gravem injuriam alicui Clerico vel ſuis inferat, malefactorem exhibeat idem Burgenſis, ut fiat de eo juſtitia; alioquin infligatur pœna ſecundùm conſuetudinem regni: Volumus & concedimus pro nobis & hæredibus noſtris, quòd quilibet Burgenſis pro familiâ ſuâ & ſervientibus ſuis reſpondeat in emptionibus & venditionibus vini & aliorum victualium quorumcunque ipſorum Burgenſium, tam in ſuburbiis quàm villâ prædictis venditioni expoſitorum, ubi Scholaris eſt una partium, ipſis Burgenſibus de exceſſibus & injuriis per familiam vel ſervientes ſuos in hujuſmodi emptionibus & venditionibus per præfatum Cancellarium, vel ejus vices gerentem, ſemel vel bis, ſi opus fuerit, primitùs debitè præmunitis; & quòd dictus Cancellarius, vel ejus Commiſſarius aut locum-tenens, qui pro tempore fuerit, cognitionem de hujuſmodi exceſſibus & injuriis in emptionibus & venditionibus prædictis, ubi Scholaris eſt una pars, ut prædicitur, habeat, & delinquentes in hâc parte puniri faciat, prout decet. Item cùm Burgenſes dictæ villæ *Oxon.* homines pannos laneos & telas lineas venales ād eandem villam portantes

tes, dictos pannos & telas ſecare, & per partes vendere Scholaribus & aliis eos emere volentibus, niſi eoſdem pannos & telas integros emere voluerint, hactenus non permiſerint, nec adhuc permittant, ut accepimus, quoviſmodo, in ipſorum Magiſtrorum & Scholarium & nonnullorum aliorum grave dampnum & jacturam, per quod nobis eſt cum inſtantiâ ſupplicatum, ut ſuper hoc remedium apponamus: Nos nolentes talia, quæ ſic in dampnum & gravamen populi noſtri redundare noſcuntur, tolerare aliqualiter incorrecta, volumus & concedimus pro nobis & hæredibus noſtris, quòd omnes hujuſmodi pannos laneos & telas lineas venales ad villam prædictam, ſeu ſuburbia ejuſdem, portantes vel ducentes, eoſdem pannos & telas ibidem ſecare, & hujuſmodi pannos & telas, tam per partes quàm integros, tam Clericis quàm aliis vendere poſſint, prout vendentium voluntati placuerit, & eis viſum fuerit expedire, ſine occaſione, impedimento, aut perturbatione Majoris, Ballivorum & Burgenſium dictæ villæ, ac aliorum quorumcunque. Inſuper cùm Cancellarius Univerſitatis prædictæ pro quiete ejuſdem Univerſitatis & conſervatione pacis noſtræ ibidem, ac malefactorum maliciis refrænandis Clericos in eâdem Univerſitate delinquentes, tam pro ſuſpicionibus & aliis cauſis diverſis, pro majoribus dampnis & periculis evitandis, quàm pro delictis ſuis, inveſtigare & capi facere ſæpius & diverſimodè oporteat, & committere cuſtodiæ carcerali, & idem Cancellarius metuat ſe ad proſecutionem hujuſmodi impriſonatorum de impriſonamentis illis poſſe impoſterùm prægravari, & nobis ſit ſupplicatum, ut indempnitati Cancellarii dictæ Univerſitatis velimus proſpicere in hâc parte: Nos conſiderantes quòd pax noſtra ubique inviolabiliter obſervetur, & delinquentes in eâdem Univerſitate

ad majorem quietem & tranquillitatem ejuſdem debitè caſtigentur, ac volentes Cancellarii dictæ Univerſitatis pro tempore exiſtentis ſecuritati in præmiſſis providere, volumus & concedimus pro nobis & hæredibus noſtris, quantum in nobis eſt, quòd Cancellarii ejuſdem Univerſitatis qui hactenus fuerunt, vel ex nunc erunt, aut eorum Commiſſarii vel loca-tenentes, occaſione impriſonamentorum Scholarium dictæ Univerſitatis, ſeu aliorum, per ipſos Cancellarios, pro conſervatione pacis noſtræ, & quiete Univerſitatis prædictæ, ac punitione & caſtigatione malefactorum hujuſmodi ibidem hactenus impriſonatorum ſeu exindè impriſonandorum, illorum videlicet qui in eâdem Univerſitate, in villâ & ſuburbiis prædictis, Scholaribus, ſeu eorum ſervientibus, ſeu aliis de juriſdictione Univerſitatis prædictæ delinquentes inventi, ſeu de maleficiis ibidem perpetratis notoriè ſuſpecti vel convicti fuerint per brevia noſtra vel hæredum noſtrorum, de audiendo & terminando, vel de falſo impriſonamento ſeu quovis alio colore, in curiis noſtris vel hæredum noſtrorum, ſive aliis aut alibi nullatenus occaſionentur, inquietentur, moleſtentur in aliquo ſeu graventur. Quare volumus & firmiter præcipimus pro nobis & hæredibus noſtris, quòd prædicti Cancellar. & Major, qui pro tempore fuerint, omnes libertates prædictas, quatenus eædem libertates ipſos conjunctim vel ſeparatim contingant, in perpetuum habeant, & eis gaudeant & utantur abſque impedimento noſtri vel hæredum noſtrorum, Juſtic. aut aliorum quorumcunque. Hiis teſtibus, Venerabilibus Patribus *Johanne Cantuariæ* Archiepiſcopo, totius *Angliæ* Primate, Cancellario noſtro; *Henrico Lincolniæ* Epiſcopo, Theſaurario noſtro; *R. Dunolmen.* Epiſcopo; *Johanne* Comite *Cornubiæ*, fratre noſtro cariſſimo; *Willielmo de Monte Acuto*; *Roberto de Ufford*, Seneſ-

Seneſcallo Hoſpitii noſtri; & aliis. Dat. per manum noſtram apud *Waltham* xii. die Aprilis, anno regni noſtri decimo. Inſpeximus etiam quandam Confirmationem, quam Dominus *Edvardus*, quondam Rex *Angliæ*, Pater noſter, fecit prædictis Cancellario & Univerſitati, ſuper quibuſdam Ordinationibus inter eoſdem Cancellarium & Scholares dictæ Univerſitatis ex unâ parte, & Burgenſes ejuſdem villæ ex alterâ factis, in hæc verba. EDWARDUS Dei gratiâ Rex *Angliæ*, Dominus *Hiberniæ*, & Dux *Aquitaniæ*, omnibus ad quos præſentes litteræ pervenerint, ſalutem. Inſpeximus quandam ordinationem ſuper diverſis contentionibus & exactionibus inter Cancellarium & Scholares Univerſitatis *Oxon.* ex unâ parte, & Majorem & Burgenſes ejuſdem villæ ex alterâ, dudum motis, ſuper quibuſdam gravaminibus & contumeliis hinc inde illatis, coram celebris memoriæ Domino *Edwardo*, quondam Rege *Angliæ*, Patre noſtro, & conſilio ſuo, ad Parliamentum ſuum, poſt Paſcha, anno regni ſui decimo octavo, per ipſum Regem Patrem noſtrum & conſilium ſuum factam, & reſponſiones ejuſdem Patris noſtri ſuper diverſis articulis in eâdem ordinatione contentis continentem, in hæc verba. Cùm inter Cancellarium & Scholares Univerſitatis *Oxon.* ex unâ parte, & Majorem & Burgenſes ejuſdem villæ ex alterâ, diverſæ contentiones & exactiones, ſuper quibuſdam gravaminibus & contumeliis hinc indè illatis, motæ fuiſſent; tandem coram ipſo Domino Rege & ejus Conſilio, ad Parliamentum ſuum, poſt Paſcha, anno regni ſui, videlicet, regni Regis *Edwardi*, filii Regis *Henrici*, decimo octavo, in præſentiâ Cancellarii & quorundam Magiſtrorum prædictæ Univerſitatis plenariam poteſtatem habentium, & etiam Majoris & Burgenſium ejuſdem villæ, mutuò conſentientium, contentiones

& contumeliæ quæcunque hinc indè illatæ, uſque feſtum ſancti *Johannis* ante portam latinam, conſentiente & concedente ipſo Domino Rege, in hunc modum conquieverunt, videlicet, quòd omnes occaſiones & demandæ, quas prædicti Cancellarius & Scholares habuerunt vel habere poterunt verſus prædictos Majorem & Burgenſes, & etiam quas iidem Major & Burgenſes habuerunt vel habere poterunt verſus prædictos Cancellarium & Scholares, quoquo modo, quâcunque occaſione quarumcunque tranſgreſſionum uſque diem prædictum hinc inde factarum, quietè & integrè remittantur, irritentur, & adnullentur. Sed quia Domino Regi & ejus Conſilio viſum eſt, quòd per compoſitionem ſeu concordiam prædictam nulla perſona ſingularis ab actione perſonali, occaſione tranſgreſſionis ſibi perſonaliter illatæ, poſſit vel debeat excludi; conceſſum eſt & proviſum bonâ fide hinc inde, quòd nec prædictus Cancellarius aut Scholares, nec prædicti Major aut Burgenſes, alicui conqueri ſe volenti, occaſione alicujus tranſgreſſionis ante concordiam prædictam ſibi illatæ, auxilium nec conſilium exhibebunt aut juvamen, vel aliquo modo ſuſtentabunt, in placito illo proſequendo, defendendo, aut in aliquibus placitum illud tangentibus. Et ſi forte contingat querelam aliquam temporibus retroactis factam coram Cancellar. Univerſitat. prædictæ innovari, iidem Cancellar. & Scholar. pro ſe & Cancellar. impoſterùm ſuccedentibus, bonâ fide promiſerunt, quòd favorem majorem aut graviorem, ſeu ſuſtentationem, Clerico quàm Laico, cujuſcunque fuerint conditionis, non impendent; immo juris ordine obſervato, nullo habito reſpectu ad perſonam quamcunque, in querelâ illâ ritè procedant, & debitum & feſtinum utrique parti faciant juſtitiæ complementum. Et ad iſtam concordiam

&

& etiam perpetuam pacem & firmam inter prædictas partes de cætero obſervand. prædicti Major & Burgenſes firmiter & bonâ fide promiſerunt, quòd omnes libertates & liberas conſuetudines, quas prædicti Cancellarius & Scholares habent per cartas & conceſſiones Domini Regis & Progenitorum ſuorum, & etiam omnes alias conſuetudines quibus iidem Cancellarius & Scholares rationabiliter uſi ſunt, benè & firmiter tenebunt, & fideliter teneri facent de cætero, ſine aliquâ contradictione. Et quia viſum fuit eidem Majori & Burgenſibus, quòd prædicti Cancellar. & Scholares quibuſdam conſuetudinibus in cartis Domini Regis & Progenitorum ſuorum ſibi factis abutuntur, & quibuſdam uti nituntur, quæ in cartis ſuis non continentur, & quæ in exhæredationem ipſius Domini Regis, coronæ & dignitatis ſuæ læſionem, manifeſtè redundant, iidem Major & Burgenſes quoſdam articulos ſubſcriptos ipſi Domino Regi porrexerunt, ſupplicantes ut, auditis articulis illis & intellectis, in præſentiâ tam ipſorum Majoris & Burgenſium, quàm prædictorum Cancellarii & Scholarium, debitum & perpetuum apponat remedium, & quibus articulis, prout patet inferiùs, cuique ſingulavit, per ipſum Dominum Regem & Conſilium ſuum eſt reſponſum, perpetuò duratur. In primis, ubi prædicti Major & Burgenſes queruntur, quòd cùm per cartas Domini Regis Cancellario & Univerſitati prædictæ factas & conceſſas, quatuor Aldermanni & octo Burgenſes jurati ſint & aſſociati Majori & Ballivis, ad pacem Domini Regis obſervandam, & ad malefactores areſtandos & de nocte vagabundos, & iidem tales contra pacem Domini Regis attachient & areſtent, prædictus Cancellarius pro voluntate ſuâ eos faciat deliberari, & præterea ipſos Aldermannos & Ballivos, & alios quoſcunque manus injicientes in

hujuſmodi malefactores citari faciat coram eo, ita quòd per ſententiam vel impriſonamentum ipſos redimat pro ſuâ voluntate. Ad quem articulum per Dominum Regem eſt reſponſum, Quòd idem Dominus Rex vult & concedit, quòd Cancellarius Univerſitatis prædictæ, qui pro tempore fuerit, habeat cognitiones quarumcunque tranſgreſſionum infra prædictam villam factarum, ubi Clericus fuerit una partium, exceptis placitis de morte hominis & de mahemio, & vult quòd de Ballivis ipſius Domini Regis cognoſcat, qui aliter ſe gerunt in officio ſuo quàm facere debent; & ſi iidem Ballivi per Cancellarium ſe ſentiant gravatos, veniant ad Curiam Regis, & ibidem juſtitiam habebunt; & hoc concedit Dominus Rex Univerſitati prædictæ pro voluntate ſuâ. Ad hoc etiam quod prædicti Burgenſes queruntur, quòd cùm in cartâ Domini Regis contineatur, quòd non liceat aliquibus Regratoribus aliqua victualia infra villam *Oxon.* vel extra, ad eandem villam venientia, emere ante horam nonam, & ſi fecerint, quòd victualia ſic empta ſint forisfacta & amiſſa, prædictus Cancellarius forisfacturam illam & amerciamenta inde provenientia ſibi appropriat & uſurpat ſuper Dominum Regem & Ballivos ſuos, ad grave dampnum & deterioriationem firmæ ſuæ villæ de *Oxon.* Ad quod reſpondit Dominus Rex, & vult, quòd Cancellarius & Major in villâ *Oxon.* & Cancellarius & Vicecomes Domini Regis *Oxon.* extra villam *Oxon.* qui pro tempore fuerint, de forſtallatoribus illis habeant cognitionem, ita quòd res forisfacturæ de aſſenſu Cancellarii & Majoris infra Villam *Oxoniæ*, & etiam de aſſenſu Cancellarii & Vicecomitis extra Villam *Oxoniæ*, dentur Hoſpitali Sancti *Johannis* extra portam orientalem

orientalem & per viſum eorundem in eleemoſynam ipſius Domini Regis, & hoc concedit Dominus Rex pro ſuâ voluntate. Ad hoc etiam quod prædicti Major & Burgenſes queruntur, quòd cum in Chartâ Domini Regis contineatur, quòd ſi Laicus Clerico tranſgrediatur, & pro tranſgreſſione illâ priſonæ committatur quouſque per conſiderationem Cancellarii Clerico læſo ſatisfiat, quòd Cancellarius Laicum illum ſic impriſonatum redimit ita graviter quod fere deſtruitur quicunque fuerit; & præterea Laicum ſic impriſonatum per obligationem ſic ligat, & etiam per obligationem pecuniæ ſolvendæ ſi ex tunc tranſgrediatur, quòd multi de villâ illâ deſtruuntur & exhæredantur. Ad quod Dominus Rex vult & reſpondit, quòd Cancellarius qui pro tempore fuerit, faciat facere emendationes rationabiles tam de Laicis quàm de Clericis convictis coram eo de tranſgreſſione, & quòd capiat hinc inde per obligationem, ſeu alio modo ſicut rationabiliter hucuſque fieri conſuevit ſecuritatem ſufficientem, &c. Ad hoc etiam quòd prædicti Major & Burgenſes queruntur, quòd cùm in Chartâ Domini Regis contineatur, quòd Ballivi Villæ prædictæ juramentum ſuum facere debent in loco communi, prædictus Cancellarius & Scholares venire faciant Ballivos illos coram eis ad eccleſiam B. *Mariæ*, & ibi aliud juramentum de eis capiant & jurare faciant, quòd juramentum illud tenebunt, pro ſe, & hæredibus ſuis, & familiâ ſuâ, nec permittant illos in juramento illo faciendo excipere fidem in quâ Domino Regi tenentur, & per idem juramentum eis injungunt, quòd remedium eis non perquirent in Curiâ Domini Regis, vel per ejus Conſilium in hiis, quæ ipſos Cancellarium & Univerſitatem contingunt. Ad quod Dominus Rex prohibet, quòd Burgenſes prædicti coram præ-

prædicto Cancellario aliquod juramentum aliter non faciant, niſi ſalvâ fide Domini Regis, & quòd de cætero non jurent quòd conqueri ſe non debeant in curiâ Domini Regis de tranſgreſſionibus ſibi factis, ſi neceſſe fuerit; ſed Dominus Rex vult bene quòd juramentum Aldermannorum & etiam octo & quinquaginta hominum Villæ prædictæ de cætero fiat ſicut fieri conſuevit: Ita tamen quòd prædicti Burgenſes non jurent niſi per ſeipſos. Et præceptum eſt Majori, quòd de cætero ſcire faciat Cancellarium, quòd ſit ad juramentum faciendum de Burgenſibus prædictis ſecundum tenorem Cartæ Domini Regis. Ad hoc etiam quòd prædicti Major & Burgenſes queruntur, quòd cùm forisfacturæ emendæ & amerciamenta de carnibus & piſcibus putridis & incompetentibus pertineant Domino Regi & Ballivis ſuis prædictæ Villæ in quorumcunque Mercatorum ejuſdem Villæ, ſeu aliorum manibus inveniantur, prædicti Cancellarius & Scholares per Procuratores ſuos Univerſitatis prædictæ ſibi forisfacturas emendas & amerciamenta illa appropriant ſine Warranto ut creditur, ad grave dampnum Regis & firmariorum ſuorum ejuſdem Villæ; Ad quod Dominus Rex vult & præcipit, quòd neq; Cancellarius, nec Major, forisfacturas emendas, vel amerciamenta talia percipiat; ſed præcipit & vult, quòd ſi tales carnes & piſces emantur & inde fiat querimonia, quòd Cancellarius & Major conjunctim inde habeant cognitionem, & ſi res empta putrida vel incompetens inveniatur, reddatur Emptori pecunia ſua quam pro eâ dedit, & forisfactura & amerciamenta per ipſos Cancellarium & Majorem adjudicentur, & per eoſdem liberentur Priori Hoſpitalis Sancti *Johannis* prædicti de dono Domini Regis ad ſuam Voluntatem, &c. Ad hoc etiam quòd prædicti Major & Burgenſes

ſes queruntur, quòd cùm per chartam Domini Regis non conceduntur aliquæ Libertates aliis in prædictâ Villâ quàm Scholaribus Univerſitatis prædictæ Villæ, & illi Scholares ſint exempti à Civitate prædictâ ad reſpondendum coram eis, vel ſimul cum ipſis, de aliquibus rebus ipſum Dominum Regem vel Civitatem prædictam tangentibus, prædicti Cancellarius & Scholares per Procuratores ſuos alios ſibi appropriant, & qui non ſunt Scholares, ut Sciſſores, Barbatores, Scriptores, Pergamenatores, & hujuſmodi qui non ſunt de juriſdictione ſuâ, & qui habent in eâdem villâ Uxores, Familiam, & Mercandiſas ſuas, & hoc ad grave dampnum Domini Regis & firmariorum ſuorum; ad quod, per prædictum Cancellarium & Magiſtros, & etiam per prædictos Majorem & Burgenſes unanimiter eſt concordatum, quòd de cætero nullus gaudeat libertatibus ſeu privilegiis Univerſitatis prædictæ niſi Clerici & eorum Familia & Servientes; Pergamenatores, Luminatores, Scriptores, Barbatores, & alii homines de officio qui ſunt de nobis ipſorum Clericorum, & ſi de Mercandiſis aliquibus ſe intromittant, ſint talliabiles ſimul cum Burgenſibus. Ad hoc etiam quòd prædicti Major & Burgenſes queruntur, quòd ubi ipſi ſolebant tenementa ſua in Villâ tradere & demittere ad firmam pro voluntate ſuâ ad ſuſtentationem ſuam & parvulorum ſuorum, prædicti Cancellarius & Scholares non permittunt eos tenementa ſua ad terminum breviorem tradere quàm ad terminum trium annorum, ad grave dampnum communitatis prædictæ; ad quod Dominus Rex vult & præcipit, quòd prædicti Burgenſes non impediantur per prædictos Cancellarium & Scholares & Procuratores ſuos quin tenementa ſua dare & vendere poſſint, & ad firmam dimittere prout ſibi viderint expedire.

Ita

Ita tamen quòd fraus, colluſio ſeu conventio non fiat per quod Clerici dehoſpitentur vel eorum hoſpitia fiant cariora, & etiam quòd Clerici hoſpitia ſua privilegio locato non demittant contra conſuetudinem uſitatam. Ad hoc etiam quòd prædicti Major & Burgenſes queruntur quòd cùm quilibet liber homo rationabilem debeat habere Summonitionem, prædictus Cancellarius ad horam primam eos facit Summoneri quòd ſint coram eo ad horam tertiam, & ſi non venerint, facit eos excommunicari & puniri pro voluntate ſuâ; ad quod, per Dominum Regem eſt concordatum & præceptum, quod homines commorantes in Villâ *Oxon.* de cætero ſummoneantur uno die quòd compareant ad alium diem & non aliter; ſed alii homines vagabundi ſummoneantur ad voluntatem ipſius Cancellarii, & ſecundùm quod viderit rationabile eſſe faciendum, & ſi neceſſe fuerit quòd Inquiſitiones fiant pro pace Domini Regis obſervandâ, quòd homines infra villam commorantes veniant quâcunque horâ fuerint ſummoniti, &c. Ad hoc etiam quod prædicti Major & Burgenſes queruntur, quod cùm Milites, liberi homines, & alii, tranſeuntes per propriam hoſpitentur ad domos Burgenſium de *Oxon.* & aliquis Clericus Univerſitatis prædictæ actionem verſus tales extraneos movere voluerit, juſtè vel injuſtè pro contractibus ſeu conventionibus forinſecus & extra Commiſſionem factis, prædictus Cancellarius ad querelam Clerici ſequeſtrare facit equitaturam & ..... ſuum talium extraneorum, licet fuerint in ſervitio Domini Regis aut alterius cujuſcunque Magnatis, & ſi hoſpes ille aliquem talem extraneum cum Domino Rege aut alio magnate exiſtentem areſtare, & bona ſua retinere non audeat, vel non poſſit, ſed ipſum liberè abire permittit, Cancellar. ipſum punit ut culpabilem tranſgreſſionis

ſionis prædictæ; ad quod Dominus Rex vult & præcipit, quod tranſeuntes per villam *Oxon.* reſpondeant coram Cancellario de contractibus & tranſgreſſionibus factis Scholaribus infra villam *Oxon.* & non de contractibus & tranſgreſſionibus forinſecis. Ad hoc etiam quod prædicti Major & Burgenſes queruntur, quòd cùm aliquis Laicus per Clericum fuerit vulneratus, ita quòd de vitâ deſperetur, prædictus Cancellarius ipſum petit ſibi deliberari priuſquam veritas de vitâ vel de morte vulnerati poterit ſciri, & contradictores excommunicari facit. Ad quod Dominus Rex vult & præcipit Cancellarium prædictæ Univerſitatis firmiter injungendo, quòd nullum Clericum in priſonâ detentum pro vulnere aut Mahemio de priſonâ deliberet quouſque veritatem certam & indubitatam intelligat, quòd de morte aut Mahemio non deſperetur, & benè caveat Cancellarius in hoc articulo quòd omnibus faciat juſticiam. Ad hoc etiam quòd prædicti Major & Burgenſes queruntur quòd cùm prædicti Cancellarius & Scholares clamant habere taxationem domorum Burgenſium in quibus Clerici inhabitant in villâ prædictâ, & taxatio illa fieri debeat de ſeptennio in ſeptennium, & per ſacramentum Magiſtrorum & Burgenſium, prædicti Cancellarius & Scholares & Procuratores ſui Univerſitatis prædictæ, Burgenſes ipſos jurare faciant de taxatione illâ faciendâ, de quinquennio in quinquennium, nec permittunt Magiſtros jurare prout quòd taxationes illæ non ſunt rationabiliter factæ, ſicut de jure eſſe debent ad grave dampnum Burgenſium, & etiam villæ Domini Regis, & ſine Warranto ut credunt; ad quod Dominus Rex vult & firmiter præcipit, quòd taxationes domorum in villâ *Oxon.* fiant de quinquennio in quinquennium, prout carta Domini Regis vult, per duos Clericos

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& duos Laicos juratos, & ſi Clerici jurent per ſacramentum, quod fecerunt Univerſitati, Laici jurent per ſacramentum quod Domino Regi fecerunt, & ſi Clerici novum faciant juramentum, quòd Laici hoc faciant & in loco ubi temporibus retroactis facere conſueverunt, &c. Nos autem ordinationem prædictam quam coram nobis venire fecimus ad requiſitionem diſcreti viri Magiſtri *Henrici de Harcla*, Cancellarii Univerſitatis prædictæ, acceptantes eam pro nobis & Hæredibus noſtris, quantum in nobis eſt concedimus & confirmamus, volentes & concedentes pro nobis & hæredibus noſtris, quòd prædicta ordinatio in omnibus & ſingulis ſuis articulis firmiter & inviolabiliter obſervetur ſecundum formam ſuperius annotatam. In cujus rei teſtimonium has literas noſtras fieri fecimus patentes. Teſte meipſo apud *Weſtm.* xi° die Martii, anno regni noſtri octavo. Inſpeximus inſuper quandam aliam cartam quam nos nuper fieri fecimus in hæc verba. EDWARDUS Dei gratiâ Rex *Angliæ* & *Franciæ*, & Dominus *Hiberniæ*, Archiepiſcopis, Epiſcopis, Abbatibus, Prioribus, Ducibus, Comitibus, Baronibus, Juſticiariis, Vicecomitibus, Præpoſitis, Miniſtris, & omnibus Ballivis & fidelibus ſuis, ſalutem. Inter cætera per quæ regnantium & regnorum exaltatio procuratur, ac ſubditorum conſulitur commodis & quieti, illud videtur attentâ conſideratione præcipuum, ut in ipſorum regnorum regimine, potentia & ſapientia quod de fluvio liberalis ſcientiæ potiſſimè derivatur, ſua communicent officia & mutuò ſe ſupportent, nam poteſtas militaris niſi fuerit per ſapientiam regulata, de facili deviat, & velut navis ſine gubernaculo procellis expoſita citò perit, & viſum eſt communiter accidere quòd ubi ſtudium Scientiarum liberalium plus invaluit, illic floruit eminen-

minentiùs militia ſecularis, & abſcedente hujuſmodi ſtudio militiæ ſtrenuitas eſt ſecuta, ſanè cùm Univerſitas *Oxon.* velut fons & alveus hujuſmodi ſtudii præcipuus rore Scientiæ liberalis regnum noſtrum *Angliæ* eminentiſſimè reſperſerit, & ſicut vitis abundans multos in vineâ Domini produxerit palmites fructuoſos, viros videlicet literatiſſimos, per quos tàm ipſum regnum quàm ejus ſacerdotium decoratum eſt & multipliciter roboratum. Nos qui conſideratione præmiſſâ quietem & incrementum ipſius Univerſitatis corditer appetimus, auditâ periculoſâ diſcordiâ nuper inter Scholares ipſius Univerſitatis & homines dictæ Villæ ſuſcitatâ & intellectis homicidiis, incendiis, deprædationibus & malis aliis ibi factis, dolentes fuimus nimirum & turbati videntes ipſam Univerſitatem, peculiarem dicti regni Theſaurum, & ſuper aurum & topazion precioſum, miſerabiliter deſolatam ac ſubverſioni patenter expoſitam, ſi contra cunctos culpabiles facta fuiſſet perſecutio rigoroſa; & proinde volentes parcere multitudini, ſeveritati prout expedit detrahendo, ut ſic ipſam Univerſitatem redintegrare, & ſuper ipſius quiete perpetuâ poſſumis meliùs & ſecuriùs per Dei gratiam ordinare. Quia tàm Cancellarius & Scholares ipſius Univerſitatis, quàm Major & Communitas dictæ Villæ, ſuper omnibus ſic mutuò perpetratis & eorum reformatione ac damnorum refuſione ſe, bona ſua, juriſdictiones ac jura, libertates & privilegia eis, per Progenitores noſtros, & nos conceſſa, vel per eos uſitata, diſpoſitioni noſtræ & voluntati ſimpliciter ſubmiſerunt, nobis humiliter ſupplicantes ut ſuper hiis ordinare juxta noſtrum beneplacitum dignaremur, dictas ſubmiſſiones admiſimus, & juxta vim & efficaciam earundem cepimus in manum noſtram dictam diſcordiam, & omnia juriſdicti-

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ones libertates & privilegia, tàm Cancellario, Magiſtris & Scholaribus ipſius Univerſitatis, quàm Majori, Ballivis & hominibus dictæ Villæ, per Progenitores noſtros, & nos conceſſa, vel per eos in prætèrito uſitata, ac etiam compoſitiones & omnia alia in dictis ſubmiſſionibus pleniùs expreſſata, prohibentes ſub gravi foriſfacturâ noſtrâ ne de cætero mutuò ſe invadant, ſed ab omnibus ceſſent injuriis contumeliis atque brigis, & ad revocandum diſperſos & aſſecurandum alios illuc venire volentes; ordinavimus & mero motu noſtro conceſſimus pro nobis & hæredibus noſtris, quòd omnes & ſinguli ſtudere ibidem volentes, tam illi qui ratione dictæ turbationis receſſerant, quàm alii, illuc ſecurè poſſunt accedere & morari, quos omnes & ſingulos in protectionem & defenſionem noſtras ſuſcepimus ſpeciales. Et ut dictis Scholaribus & eorum ſervientibus ſecurior ad dictam Univerſitatem pateat regreſſus & aditus, perdonavimus de gratiâ noſtrâ ſpeciali & ex plenitudine poteſtatis regiæ, ac pro bono publico, omnibus & ſingulis Magiſtris & Scholaribus & eorum ſervientibus omnimodas felonias, roberias, incendia & tranſgreſſiones per ipſos vel eorum aliquem in turbatione prædictâ perpetrata, & firmam pacem noſtram eis inde conceſſimus. Nolentes quòd ipſi Magiſtri, Scholares, vel eorum ſervientes, ad ſectam noſtram vel aliorum pro dictis feloniis, roberiis, incendiis & tranſgreſſionibus impetantur, moleſtentur in aliquo, ſeu graventur. Ad hæc de gratiâ noſtrâ ſupradictâ reſtituimus dictis Cancellario, Magiſtris & Scholaribus, omnia Juriſdictiones, jura, libertates & priviligia ſic in manum noſtram capta. Ita quod eis & eorum ſingulis utantur & gaudeant prout ante turbationem & captionem prædictas uſi ſunt pariter & gaviſi. Item cùm in Univerſitate prædictâ graves diſcordiæ

diæ pluries ſint exortæ ex eo quòd Cancellarius ipſius Univerſitatis, & Major dictæ Villæ qui juxta conceſſionem noſtram ſuper hoc eis factam debuerant aſſiſam Panis & Cerviſiæ communiter cuſtodire ſuper punitione in hâc parte faciendâ maxime propter malitiam Laicorum venditorum dictorum victualium querentium in communi diſpendio lucra ſua non poterant faciliter conſentire. Nos diſcordiis hujuſmodi quæ ex cognitione tali provenire poterunt, volentes ut expedit obviare, virtute ſubmiſſionis prædictæ ordinavimus & conceſſimus, pro nobis & Hæredibus noſtris, & hac Charta noſtra confirmavimus, quòd Cancellarius ipſius Univerſitatis, & Succeſſores ſui, & eorum Vices gerentes, ſoli & inſolidum in villâ *Oxon.* & ſuburbiis ejuſdem, habeant cuſtodiam Aſſiſæ Panis, Vini, & Cerviſiæ, ac correctionem & punitionem ejuſdem, cum finibus, amerciamentis, & proficuis aliis provenientibus in hâc parte. Reddendo nobis & Hæredibus noſtris centum Solidos annuatim, videlicet, quinquaginta Solidos ad Scaccarium noſtrum Sancti *Michaelis*, & quinquaginta Solidos ad Scaccarium noſtrum *Paſchæ*. Concedimus etiam, quòd Cancellarius ſolus & inſolidum, & Succeſſores ſui, vel eorum Vices gerentes imperpetuum habeant cuſtodiam Aſſiſæ & Aſſaiæ, ac ſuperviſum Menſurarum & Ponderum in dictâ villâ *Oxon.* & ſuburbiis ejuſdem: Ita quòd ipſe Cancellarius vel ejus Vices gerens, quotiens opus fuerit, dicta Menſuras & Ponderа ſupervideat, & ea quæ falſa invenerit comburi & deſtrui faciat, & alia legalia & juſta deputet & conſignari faciat, nec non tranſgreſſores quos in hâc parte invenerit, debitè puniat & caſtiget. Ita tamen quòd forisfacturæ & alia proficua inde provenientia liberentur per extractos per dictum Cancellarium faciendos Ma-

jori & Ballivis dictæ villæ levanda per eos in auxilium firmæ ſuæ villæ prædictæ ſi & prout hactenus eſt optentum. Item, Concedimus eidem Univerſitati, quòd Cancellarius ejuſdem qui nunc eſt, & Succeſſores ſui, vel eorum Vices gerentes imperpetuum, ſoli & inſolidum habeant poteſtatem inquirendi & cognoſcendi de forſtallatoribus & regratariis, Carnibus & Piſcibus putridis, vicioſis, & aliis incompetentibus in dictâ villâ *Oxon.* & ſuburbiis ejuſdem, & ſuper hiis punitionem debitam faciendi; ſic tamen quòd forisfacturæ & amerciamenta inde provenientia per ipſum Cancellarium adjudicentur, & Hoſpitali noſtro Sancti *Johannis* dictæ villæ liberentur, prout eſt fieri conſuetum. Et licet Major & Ballivi, Aldermanni ſeu alii homines dictæ villæ & ſuburbiorum ejuſdem de præmiſſis ſe non debeant intromittere, volumus tamen & mandamus, quòd ſuper hiis omnibus & ſingulis Cancellarius dictæ Univerſitatis qui pro tempore fuerit, pareant humiliter & intendant. Item, ad terrorem & vindictam malorum, ac ſecuritatem & ſolacium bonorum ibidem proficiencium ordinavimus & conceſſimus, pro nobis & Hæredibus noſtris, quòd Cancellarius dictæ Univerſitatis qui pro tempore fuerit, Scholares & Laicos ibidem, contra Statuta Univerſitatis arma portantes, & delinquentes, per incarcerationem & aliàs caſtigare debitè valeat & punire, & arma quæ ſic contra dicta Statuta portata fuerint, ut ſibi commiſſa & forisfacta modo conſueto poſſit capere & habere, ac hujuſmodi delinquentes obſtinatos ſeu rebelles coram dicto Cancellario in caſibus ad cognitionem ſuam ſpectantibus comparere, & juri ſtare non curantes à dictis Univerſitate & villâ bannire, & aliàs contra eos per cenſuras eccleſiaſticas procedere, prout in caſibus hujuſmodi

hujuſmodi conſuetum eſt fieri temporibus retroactis. Item, Cùm ad dictam Univerſitatem (ad quam tam nobilium quam popularium alienigenarum & indigenarum multitudo confluit) deceant munditia & honeſtas, volumus quòd careriæ & vici dictæ villæ & ſuburbiorum ejuſdem à fimis, ſordibus, & fetoribus mundi conſerventur & honeſti, amotis truncis, lignis, & aliis pro tranſitu libero, honeſtati, & munditiæ nocituris, & quòd pavimenta dictæ villæ & ſuburbiorum ejuſdem ſemper cùm & ubi opus fuerit, congruè reparentur, & quòd Cancellarius dictæ Univerſitatis qui pro tempore fuerit, & ejus Vices gerens ad hoc homines dictæ villæ & ſuburbiorum ejuſdem, & alios quibus incumbit, quos eidem Cancellario, & ejus Vices gerenti parere volumus in hâc parte, poſſit per cenſuras eccleſiaſticas compellere abſque proficuo ſuis uſibus applicando, & quòd prohibitio noſtra, ſeu Hæredum noſtrorum, ſi contra præmiſſa facta fuerit, vires non habeat nec affectum. Item, cùm Laici plerumque ſicut Scholaribus ſic & eorum ſervientibus ſint infeſti, ordinamus, concedimus, & hac Chartâ noſtrâ confirmamus, pro nobis & Hæredibus noſtris, quòd cùm Miniſtri dictæ Univerſitatis & ſervientes Clericorum ad quotam aliquam ſolvendam de bonis ſuis in villâ prædictâ & ſuburbiis ejuſdem aſſidendi fuerint, vel taxandi, Cancellarius dictæ Univerſitatis, vel ejus Vices gerens, & non Major, ſeu homines dictæ villæ, dictos Miniſtros & Scholarium ſervientes, videlicet, Famulares, Scriptores, Luminatores, Pergamentarios, ad quotas hujuſmodi fideliter & rationabiliter prout alii homines dictæ villæ & ſuburbiorum ejuſdem, aſſeſſi fuerint juxta quantitatem bonorum ſuorum taxabilium, imperpetuum aſſideant atque taxent, & pecuniam ſic aſſeſſam, per Miniſtros ſuos le-

vari faciant, Majori & Ballivis dictæ Villæ per Indenturam liberandam: & si homines dictæ villæ de taxatione per prædictum Cancellarium malè factam conquesti fuerint, super hoc per ministros nostros celeriter inquiratur, & defectus qui repertus fuerit, debitè corrigatur. Volumus autem & concedimus, quòd Cancellarii Universitatis prædictæ qui pro tempore erunt, & eorum Vices gerentes præmissis omnibus & singulis eis in formâ prædictâ concessis plenè, liberè, & integrè gaudeant & utantur juxta formam ordinationum & concessionum prædictarum, non obstantibus privilegiis, libertatibus, consuetudinibus, seu impositionibus contrariis quibuscunque. Item, Volentes indempnitati prospicere Scholarium qui fuerunt in dictâ turbatione de bonis suis deprædati, qui forsan timore irregularitatis non audent prosequi criminaliter contra deprædatores hujusmodi pro recuperatione bonorum suorum, sic furto vel vi ablatorum; Concessimus de gratiâ nostrâ speciali pro nobis & Hæredibus nostris, (quantum in nobis est) omnibus & singulis Magistris & Scholaribus dictæ Universitatis, & eorum Servientibus qui in dictâ turbatione bona sua sic furto vel vi amiserunt, quòd ipse vel Cancellarius & Procuratores dictæ Universitatis eorum nomine absque inquietatione vel molestatione nostri, vel Hæredum nostrorum, seu Ministrorum nostrorum quorumcunque, bona sic furata vel deprædata à dictis furibus & deprædatoribus vel aliis quibuscunque, ad quorum manus hujusmodi res pervenerint, licitè recipere & tenere possint, licet contra dictos fures vel raptores ad pœnam sanguinis non fuerint prosecuti. Item, Ad majorem securitatem & quietem studentium in Universitate prædictâ pro perpetuo ordinamus & concedimus pro nobis & Hæredibus nostris, quòd quilibet Vicecomes

Oxon. qui pro tempore erit in receptione Commiſſionis ſuæ, juramentum præſtet corporale, quòd Magiſtros & Scholares Univerſitatis *Oxon.* & eorum Servientes pro viribus ab injuriis & violentiis proteget & defendet,& pacem in Univerſitate prædictâ, quantum in ipſo eſt, faciet conſervari, præfatiſque Cancellario & Scholaribus, ad puniendas perturbatores pacis ibidem juxta privilegia & ſtatuta Univerſitatis prædictæ ſemper, cùm opus fuerit, præſtabit conſilium & juvamen, & ad privilegia,libertates, & conſuetudines dictæ Univerſitatis defendenda, pro viribus opem feret, & quòd à Subvicecomite ſuo & aliis miniſtris ſuis in Comitatu prædicto ſtatim cùm poſt ſuſceptum officium ad caſtrum vel villam *Oxon.* declinaverit, in præſentiâ alicujus ex parte Univerſitatis ad hoc deputandi, conſimile recipiet juramentum, ad quod ipſos miniſtros per eundem Vicecomitem compelli volumus & arctari: hanc etiam formam jurandi volumus ex nunc addi formæ juramenti Vicecomitis dicti loci in receptione Commiſſionis ſuæ præſtari conſueti. Cæterùm quia ſuper pœnis pro ſecuriori conſervatione pacis ipſius Univerſitatis ſtatuend. ac ſuper aliis quæ juxta ſubmiſſiones prædictas ad perpetuam præmiſſorum memoriam piæ per Dei gratiam facere proponimus, jam ordinare non poſſumus variis & arduis negociis præpediti, ordinationem hujuſmodi nobis ſpecialiter reſervamus: hiis teſtibus venerabilibus patribus *Johanne* Archiepiſcopo *Ebor. Angliæ* Primate Cancellario noſtro, *Will. Winton.* Epiſcopo, Theſaur. noſtro, Magiſtro *Mich. de Northburgh* Electo *London.* confirmato, *Henr.* Duce *Lancaſtriæ*, *Will. de Bohun Northampton*, *Rich. Arundel*, *Thoma de Bello Campo Warw. Rog. March*, *Will. Sarum*, *Johanne de Vere Oxon.* Comitibus. *Galfredo de Say*, & *Johanne de Grey* de *Rotherfeld*, Seneſcallo hoſpitii

ſpitii noſtri, & aliis. Data per manum noſtram apud Turrem *London.* xxvii die Junii, anno regni noſtri *Angliæ* xxix°, regni vero noſtri *Franciæ* xvi°. Nos autem Conceſſiones, Ordinationes, & Confirmationes prædictas in omnibus & ſingulis quæ dictos Cancellarium, Magiſtros, Scholares & Univerſitatem duntaxat concernunt, ratas habentes, & gratas eas pro nobis & Hæredibus noſtris, quantum in nobis eſt, præfatis Cancellario, Magiſtris, Scholaribus, & Univerſitati & Succeſſoribus ſuis concedimus & confirmamus, ſicut cartæ & literæ prædictæ rationabiliter teſtantur. Præterea ob ſpecialem affectionem quam ad dictam Univerſitatem, nec non ad perſonas dilectorum clericorum noſtrorum *Humfredi de Charleton* Cancellarii ejuſdem Univerſitatis, & *Lodowici* fratris ejus gerimus & habemus; volentes eiſdem Cancellario, Magiſtris, Scholaribus & Univerſitati, ut iidem Magiſtri & Scholares quietiùs in eâdem Univerſitate morari & ſtudere valeant, gratiam facere ampliorem, conceſſimus eis, pro nobis & Hæredibus noſtris, & hac cartâ noſtrâ confirmavimus, quòd licet prædicti Cancellarius, Magiſtri & Scholares Univerſitatis prædictæ, vel eorum Prædeceſſores libertatibus & quietantiis in dictis cartis & literis contentis, vel aliquâ earundem de aliquo caſu emergente hactenus uſi non fuerint, ipſi tamen & eorum Succeſſores libertatibus & quietantiis illis & earum quâlibet in villâ *Oxon.* & ſuburbiis ejuſdem ſine occaſione vel impedimento noſtri, vel Hæredum noſtrorum, Juſticiariorum, Eſcaetorum, Vicecomitum, aut aliorum Ballivorum ſeu Miniſtrorum noſtrorum quorumcunque de cætero plenè gaudeant & utantur imperpetuum. Hiis teſtibus venerabilibus Patribus *Johanne* Archiepiſcopo *Ebor. Angliæ* Primate, Cancellario noſtro, *Will. Winton.* Epiſcopo,

piſcopo, Theſaurario noſtro, *Michaele* Epiſcopo *London.* *Henrico* Duce *Lancaſtr.* *Will.° de Bohun Northampton.* *Ricardo Arundell*, *Rogero March*, Comitibus, *Johanne de Charleton*, *Galfredo de Say*, *Johanne de Gray*, Seneſcallo hoſpitii noſtri & aliis. Data per manum noſtram apud *Weſtmon.* xx° die *Novembris*, anno regni noſtri *Angliæ* xxx°. regni verò noſtri *Franciæ* xvii°. Inſpeximus etiam quaſdam alias literas patentes ejuſdem Avi noſtri in hæc verba; EDWARDUS Dei gratiâ Rex *Angliæ* & *Franciæ*, & Dominus *Hiberniæ*, omnibus ad quos præſentes literæ pervenerint, ſalutem. Inſpeximus duas literas patentes indentatas ſigillo communi Univerſitatis *Oxon.* ac ſigillo dilecti & fidelis noſtri *Richardi Damory* alternatim appoſitis, conſignatas, unius tenoris & continentiæ ſubſequentis. Hæc Indentura teſtatur, quòd cùm inter Cancellarium, Magiſtros & Scholares Univerſitatis *Oxon.* ex unâ parte, & Dominum *Richardum Damory* Militem, filium & Hæredem Domini *Richardi Damory* Militis, defuncti, tenentem de Domino Rege ad feodi firmam Hundredum extra portam borealem *Oxon.* ex alterâ, diverſa exactiones & clamea mota fuiſſent ſuper juriſdictione, libertatibus & privilegiis ex alterutrâ parte in dicto Hundredo clamatis, videlicet ſuper hoc, quòd dictus Dominus *Ricardus* clamat ibidem habere Aſſaiam & Aſſiſam Panis, Vini, & Cerviſiæ, factæ de omnibus tenentibus & reſidentibus infra Hundredum illud, ac emendas de punitionibus & correctionibus dictæ Aſſiſæ fractæ provenientes levare & percipere ſe conſueviſſe, ac etiam clamat habere cogniciones placitorum in curiis ſuis ibidem de omnibus infra præcinctum Hundredi illius emergentibus, & ad illud pertinentibus, nec non amerciamenta ac alia profi-cua de hujuſmodi placitis provenientia abſque

ullo impedimento. Et ſuper juriſdictione, libertatibus & privilegiis, quæ dicti Cancellarius, Magiſtri & Scholares, clamant habere in dicto Hundredo ſive Suburbio extra portam Borealem *Oxon.* videlicet, quòd dicti Cancellarius, Magiſtri & Scholares, clamant habere in dicto Hundredo ſive Suburbio, inquiſitionem, correctionem, cohercionem & punitionem, & perturbatorum pacis, & delinquentium contra ſtatuta, conſuetudines, & privilegia ipſius Univerſitatis per incarcerationem, bannitionem, cenſuras eccleſiaſticas, & aliis modis fieri conſuetis, infra dictam Villam & alia Suburbia ejuſdem. Et ſimiliter quod dictus Cancellarius noſtræ Univerſitatis in dicto Hundredo ſive Suburbio clamat habere cogniciones omnium cauſarum, contracturum & placitorum, rerum mobilium, injuriarum & tranſgreſſionum ubi Clericus vel alius de juriſdictione Univerſitatis fuerit una partium, deductis placitis de morte & mahemio. Et inſuper quòd dicti Cancellarius, Magiſtri & Scholares, clamant habere in dicto hundredo ſive ſuburbio cognitionem, correctionem & punitionem forſtallatorum & regratariorum, ac omnium venditorum & emptorum victualium ibidem contra privilegia Univerſitatis. Item, quòd dictus Cancellarius, vel ejus Vices gerens homines in dicto hundredo ſive ſuburbio commorantes, & alios quibus incumbit, clamat compellere ad vicos mundandos coram tenementis ſuis, & ad pavimenta reparanda quotiens & quando fuerit ibidem neceſſe. Item, quòd clamant dicti Cancellarius, Magiſtri & Scholares, habere taxationes domorum Scholarium in dicto Hundredo ſive Suburbio, & taxare vel aſſidere miniſtros dictæ Univerſitatis, & Servientes Clericorum, ac Stationarios, Pergamentarios, Luminatores, & Scriptores, quotiens & quando ad quotam

quotam aliquam ſolvendam de bonis ſuis ibidem aſſidendi fuerint vel taxandi. Item quòd clamat Cancellarius dictæ Univerſitatis integram aſſiſam & aſſaiam menſurarum & ponderum in dicto hundredo ſive ſuburbio, ſicut alibi in villâ prædictâ & aliis ſuburbiis ejuſdem, ac cohercionem, correctionem, & punitionem delinquentium in eâ parte, cum emendis, finibus, amerciamentis, & proficuis aliis inde provenientibus. Et quòd clamat etiam dictus Dominus Cancellarius integram aſſiſam & aſſaiam panis, vini, & cerviſiæ in dicto hundredo ſive ſuburbio æqualiter ſicut alibi in villâ prædictâ & aliis ſuburbiis ejuſdem, ac debitam correctionem & punitionem ejuſdem, cum finibus, amerciamentis, & proficuis aliis inde provenientibus, ſuper iſtis exaccionibus & clameis prædictis, auditis & ſufficienter intellectis rationibus & evidentiis hinc inde coram Domino Rege & Conſilio ſuo, die Martis, proximo poſt feſtum tranſlationis S. *Thomæ* Martyris, anno regni ſui, videlicet anno regni Regis *Edwardi* tertii poſt conqueſtum, *Angliæ* xxx°. & *Franciæ* xvii°. per mediationem Domini *Johannis Ebor.* Archiepiſcopi, Cancellar. *Angliæ*, & Domini *Willielmi Winton.* Epiſcop. Theſſaur. *Angliæ*, inter partes prædictas, in hunc modum concordatum fuit ex unanimi conſenſu partium prædictarum, ſi placeat Domino Regi, quòd dicti Cancellarius, Magiſtri & Scholares in perpetuum habeant juriſdictionem in dicto hundredo ſive ſuburbio, ſi ſuburbium aliquod infra dictum hundredum fuerit, ſive non, in citationibus, ſequeſtriis, & aliis pertinent. juriſdictioni, in omnibus articulis infraſcript. videlicet, Quòd dicti Cancellarius, Magiſtri & Scholares in perpetuum habeant in dicto hundredo ſive ſuburbio, in formâ prædictâ, inquiſitionem, correctionem, cohercionem & punitionem perturbatorum

batorum pacis, & conviƈtorum ſuper pacis perturbatione, ſeu delinquentium contra ſtatuta, libertates, conſuetudines vel privilegia dicƈtæ Univerſitatis, ubi altera pars fuerit Clericus vel ſerviens Clerici, aut Miniſter Univerſitatis, ſeu ſtationarius, pergamenator, luminator, vel ſcriptor, per incarcerationem, bannitionem, cenſuras eccleſiaſticas, & aliis modis fieri conſuetis infra villam prædicƈtam & alia ſuburbia ejuſdem. Concordatum eſt unanimi conſenſu inter partes prædicƈtas, & per ipſum Dominum *Richardum* conceſſum pro ſe & hæredibus ſuis, ſi placeat Domino Regi, quòd Cancellarius dicƈtæ Univerſitatis qui pro tempore fuerit, vel ejus vices gerens, in perpetuum habeat in dicƈto hundredo, ſive ſuburbio, cognitionem, agitationem & deciſionem omnium cauſarum, contracƈtuum, & placitorum, rerum mobilium, ac injuriarum & tranſgreſſionum, ubi Clericus, vel aliquis de ſuâ familiâ, vel ſerviens Clerici, ſeu miniſter Univerſitatis, bedellus, ac ſtationarius, pergamenator, luminator, vel ſcriptor fuerit una partium, deducƈtis placitis de morte hominis & mahemio, & de libero tenemento. Item conceſſum eſt inter partes prædicƈtas & per ipſum Dominum *Richardum*, quantum in eo eſt, conceſſum pro ſe & hæredibus ſuis, ſi placeat Domino Regi, quòd dicƈtus Cancellarius qui pro tempore fuerit, vel ejus locum-tenens, & ſui ſucceſſores, in perpetuum habeant in dicƈto hundredo, ſive ſuburbio, cognitionem de forſtallatoribus & regratariis, ac omnibus venditoribus & emptoribus victualium ibidem contra privilegia Univerſitatis, de carnibus ſive piſcibus putridis & immundis, vicioſis, ſeu aliàs incompetentibus, & vino putrido vel corrupto, & quibuſlibet aliis victualibus ibidem minùs bonis, ac plenam habeant poteſtatem debitè puniendi delinquentes

linquentes in eâ parte, & forisfaciendi res ſic emptas vel venditas contra privilegia Univerſitatis; ita tamen quòd res forisfactæ dentur Hoſpitali ſancti *Johannis* extra portam orientalem *Oxon.* Item concordatum eſt inter partes prædictas, ſi placeat Domino Regi, quòd domus Scholarium infra dictum hundredum ſive ſuburbium de quinquennio in quinquennium, vel infra, retaxentur, ſi Dominus domûs hoc petierit, aut inhabitantes, per eoſdem taxatores per quos taxantur domus Scholarium infra dictam villam: Et etiam quòd cùm miniſtri dictæ Univerſitatis, & ſervientes Clericorum, aut ſtationarii, pergamenatores, luminatores vel ſcriptores, in dicto hundredo ſive ſuburbio commorantes, ad quotam aliquam ſive taxamentum ſolvendum de bonis ſuis ibidem aſſidendi fuerint vel taxandi, Cancellarius dictæ Univerſitatis qui pro tempore fuerit, vel ejus vices gerens, & non alius, nec alii, eos fideliter & rationabiliter juxta quantitatem bonorum ſuorum taxabilium aſſideat atque taxet, & pecuniam ſic aſſeſſam per miniſtros ſuos levari faciat, Collectoribus ibidem per indenturas liberandam. Item concordatum eſt inter partes prædictas, & per dictum Dominum *Richardum* conceſſum pro ſe & hæredibus ſuis, ſi placeat Domino Regi, quòd Cancellarius dictæ Univerſitatis qui pro tempore fuerit, vel ejus vices gerens, homines in dicto hundredo vel ſuburbio reſidentes, ſive tenementum habentes, in perpetuum habeat per cenſuras eccleſiaſticas, vel alio quovis modo, abſque proficuo uſibus applicando, compellere, ad vicos mundandos coram tenementis ſuis à fimis, ſordibus, fætoribus, truncis, lignis, & aliis pro tranſitu libero, honeſtati & mundiciæ nocituris, & ad reparanda pavimenta ibidem quotiens & quando opus fuerit, in locis ibidem

ſolitis

ſolitis paviari. Item concordatum eſt inter dictas partes, & per ipſum Dom. *Richardum* conceſſum pro ſe & hæredibus ſuis, ſi placeat Domino Regi, quòd Cancellar. dictæ Univerſitatis qui pro tempore fuerit, vel ejus vices gerens, nomine Univerſitatis, in perpetuum habeat in dicto hundredo ſive ſuburbio, integrè aſſiſam & aſſaiam menſurarum & ponderum, cum forisfacturis, finibus, amerciamentis, & aliis proficuis inde provenientibus, ſed nichil habeat de lanis venditis & malè menſuratis, & quòd ipſe Cancellarius, vel ejus vices gerens, quoties & quando opus fuerit, dicta menſuras & pondera ſupervideat, & ea quæ falſa invenerit comburi & deſtrui faciat, & alia legalia & juſta deputet, & ſignari faciat; nec non tranſgreſſores, quos in hâc parte invenerit, debitè puniat & caſtiget. Item concordatum eſt, & per ipſum Dominum *Richardum* ſpecialiter conceſſum pro ſe & hæredibus ſuis, ſi placeat Domino Regi, quòd Cancellarius dictæ Univerſitatis qui pro tempore fuerit, vel ejus vices gerens, ſolus & in ſolidum, nomine Univerſitatis, in perpetuum habeat in dicto hundredo ſive ſuburbio, in formâ prædictâ, integrè aſſiſam & aſſaiam panis, vini & cerviſiæ, debitam correctionem & punitionem ejuſdem aſſiſæ fractæ, cum finibus, emendis, amerciamentis, & proficuis aliis inde provenientibus. Hiis omnibus & ſingulis præmiſſis, cum pertinentibus, modo & formâ prædictis, concordatum eſt unanimi conſenſu inter partes prædictas, & per ipſum dictum Dominum *Richardum* ſpecialiter conceſſum pro ſe & hæredibus ſuis, ſi placeat Domino Regi, quòd dicta Univerſitas liberè & quietè, benę & in pacę gaudeat in perpetuum, & ea habeat abſque inquietatione, moleſtatione, ſeu contradictione quâcunque dicti Domini *Richardi*, vel hæredum ſuorum, per ſe aut per ballivos

ballivos ſeu miniſtros ſuos, vel alios quoſcunque, & abſque hoc quòd dictus Dominus *Richardus*, vel hæredes ſui, aut ballivi vel miniſtri ſui, ſeu alii nomine ſuo vel hæredum ſuorum, in dicto hundredo ſive ſuburbio, in formâ prædictâ, de aliquo præmiſſorum, ſe aliqualiter intromittant: Et licet dictus Dominus *Richardus*, vel hæredes ſui, non debeant, per ſe nec per ſuos, intromittere de aliquo præmiſſorum; vult tamen ipſe pro ſe & hæredibus ſuis, quòd omnes in dicto hundredo ſive ſuburbio, ut dictum eſt, reſidentes, ſuper hiis omnibus & ſingulis Cancellario dictæ Univerſitatis qui pro tempore erit, pareant humiliter & intendant, ſalvis dicto Domino *Richardo*, & hæredibus ſuis, omnibus aliis juribus dicto hundredo ſive dominio ſuo ibidem pertinentibus. In cujus rei teſtimonium uni parti hujus Indenturæ penes dictos Cancellarium, Magiſtros & Scholares reſidenti, dictus Dominus *Richardus* ſigillum ſuum appoſuit; alteri verò parti penes dictum Dominum *Richardum* reſidenti ſigillum commune dictæ Univerſitatis eſt appenſum. Hiis teſtibus, venerabilibus patribus, Domino *Johanne* Dei gratiâ Archiepiſcopo *Ebor. Angliæ* Primate, & Cancellario; *Willielmo* Dei gratiâ *Wintoniæ* Epiſcopo, *Angliæ* Theſſaurario prædictis; Domino *Johanne de Wynwyk*, Clerico Sigilli Privati; Dominis, *Willielmo de Shareſhill*, *Roberto de Thorpe*, *Richardo de Willughby*, *Henrico de Grene*, Militibus ac Juſticiariis Domini Regis, & aliis. Dat. apud *Weſtm.* die & anno ſupradictis. Nos autem, qui ad dictam Univerſitatem, quæ velut vitis habundans per exercitium liberalis ſcientiæ innumeros produxit palmites fructuoſos, viros videlicet providos & diſcretos, qui ſicut nonellæ olivarum frondentes & fæcundantes in fructum, nedum regnum noſtrum *Angliæ*, ſed orbem terrarum

rarum in circuitu intellectûs & ſapientiæ dulcedine repleverunt, privilegio dilectionis afficimur, conſiderantes concordiam inter partes prædictas factam, ut præmittitur, quietem & commodum ipſius Univerſitatis reſpicere, & viam dampnis & periculis præcludere, quæ ex diſſenſione præſcripta, ſi duraſſet, timebantur veriſimiliter proveniſſe, dictam proinde concordiam de licentiâ noſtrâ ſpeciali factam, concorditer acceptamus & approbamus, & ipſam, ac omnia & ſingula contenta in Indenturâ prædictâ, quatenus ad nos attinet, mero motu & ex certâ ſcientiâ confirmamus: Et ad majorem roboris firmitatem volumus & concedimus pro nobis & hæredibus noſtris, quòd Cancellarius, Magiſtri & Scholares Univerſitatis prædictæ, qui nunc ſunt, vel qui pro tempore erunt, habeant, teneant & exerceant omnia & ſingula contenta in Indenturâ prædictâ, infra ſuburbium & hundredum prædicta, juxta formam & conceſſionem præfati *Richardi* ſuperiùs annotatam, liberè, pacificè, & quietè, ac in perpetuum, ſine inquietatione noſtri & hæredum noſtrorum, ſeu miniſtrorum noſtrorum quorumcunque; non obſtante quòd idem *Richardus* dictum hundredum, ad quod aliqua ſic per ipſum *Richardum* conceſſa prætenduntur competere, de nobis tenere in capite dinoſcatur. Juribus aliis eidem *Richardo* & hæredibus ſuis, ratione hundredi prædicti competentibus, in omnibus ſemper ſalvis. In cujus rei teſtimonium has Literas noſtras fieri fecimus Patentes. Teſte meipſo apud *Weſtmonaſterium* decimo ſexto die Julii, anno regni noſtri *Angliæ* triceſimo, regni verò noſtri *Franciæ* decimo ſeptimo. Inſpeximus inſuper quaſdam alias Literas Patentes ejuſdem Avi noſtri, in hæc verba: EDWARDUS Dei gratiâ Rex *Angliæ* & *Franciæ*, & Dominus *Hiber-*

Hiberniæ, univerſis & ſingulis Juſticiariis, Vicecomitibus, Miniſtris, & aliis Ballivis & fidelibus ſuis, ad quæcunque Officia in Comitatu *Oxon.* infra libertates & extra, exequenda & facienda aſſignatis & aſſignandis, ad quos præſentes literæ pervenerint, ſalutem. Sciatis quòd cùm per cartam noſtram, de gratiâ noſtrâ ſpeciali inter alia conceſſum ſit pro nobis & hæredibus noſtris, Cancellario Univerſitatis *Oxon.* quòd ipſe & ſucceſſores ſui, & eorum vices gerentes, in perpetuum habeant cuſtodiam aſſiſæ panis, vini & cerviſiæ, ac correctionem & punitionem ejuſdem, cum finibus, amerciamentis, & proficuis aliis provenientibus in hâc parte; reddendo nobis & hæredibus noſtris centum ſolidos annuatim, videlicet, quinquaginta ſolidos ad Scaccarium noſtrum ſancti *Michaelis*, & quinquaginta ſolidos ad Scaccarium noſtrum *Paſchæ*: Ac etiam quòd idem Cancellarius, ſolus & in ſolidum, ac ſucceſſores ſui, vel eorum vices gerentes, in perpetuum habeant cuſtodiam aſſiſæ & aſſaiæ, ac ſuperviſum menſurarum & ponderum in dictâ villâ *Oxon.* & ſuburbiis ejuſdem; ita quòd ipſe Cancellarius vel ejus vices gerens, quotiens opus fuerit, dictas menſuras & pondera ſupervideat, & ea quæ falſa invenerit comburi & deſtrui faciat, & alia legalia & juſta deputet & conſignari faciat, necnon tranſgreſſores quos in hâc parte invenerit, debitè puniat & caſtiget. Ita tamen quòd forisfacturæ & alia proficua indè provenientia liberentur, per extractas per dictum Cancellarium faciendas, Majori & Ballivis dictæ villæ, levand. per eos in auxilium firmæ ſuæ villæ prædictæ, ſi & prout hactenus eſt optentum; & quòd Clericus mercati ſe in præſentiâ noſtrâ vel hæredum noſtrorum de cætero non intromittat infra Burgum illum aut ſuburbia ejuſdem, de officio ſuo exercendo, de aliquâ

quâ re eundem Burgum vel ſuburbia tangente. Et etiam conceſſum exiſtat eidem Univerſitati, quòd Cancellarius ejuſdem qui nunc eſt, & ſucceſſores ſui, vel eorum vices gerentes, in perpetuum, ſoli & in ſolidum, habeant poteſtatem inquirendi & cognoſcendi de forſtallatoribus & regratariis, carnibus & piſcibus putridis, viciosis, & aliis incompetentibus, & ſuper hiis punitionem debitam faciendi; ſic tamen quòd foriſfacturæ & amerciamenta inde provenientia per ipſum Cancellarium adjudicentur & hoſpitali noſtro ſancti *Johannis* dictæ villæ liberentur, prout eſt fieri conſuetum; & quòd licet Major, Ballivi, Aldermanni, ſeu alii homines dictæ villæ & ſuburbiorum ejuſdem, de præmiſſis non debeant ſe intromittere, ipſi tamen Major, Ballivi, Aldermanni, & alii homines prædicti, ſuper hiis omnibus & ſingulis, Cancellario dictæ Univerſitatis qui pro tempore fuerit, pareant humiliter & intendant, prout in cartâ noſtrâ prædictâ pleniùs continetur. Nos, ut præmiſſa ſic per nos conceſſa notitiæ veſtræ pleniùs manifeſtentur, ea vobis duximus teſtificanda, per præſentes vobis & cuilibet veſtrûm diſtrictè demandantes, quòd præſente teſtificatione noſtrâ coram vobis cùm opus fuerit oſtenſâ, & per vos inſpectâ, quam penes dictum Cancellarium ex certis cauſis remanere volumus, receptâque inde penes vos quâdam copiâ, ſi vobis videatur expedire, dictum Cancellarium libertatibus prædictis plenè uti & gaudere, & ipſum vel ejus vices gerentem, ſolum & in ſolidum, executionem de præmiſſis, prout prætenduntur, in dictis villâ & ſuburbiis, abſque impedimento aliquo facere permittatis, juxta tenorem conceſſionum noſtrarum prædictarum, vos inde in aliquo infra eandem villam & ſuburbia nullatenùs intromittentes contra tenorem conceſſionum earundem.

Teſte

Teſte Meipſo apud *Weſtm.* x° die Januar. Anno Regni noſtri *Angliæ* xxxii°. Regni verò noſtri *Franciæ* xix°. Nos autem Conceſſiones, Ordinationes, Libertates, Juriſdictiones, Confirmationes, & omnia & ſingula in Cartâ & Literis prædictis contenta quatinus dictos Cancellar. Magiſtros, Scholares, & Univerſitatem *Oxon.* duntaxat concernent' rata habentes & geſta ea pro Nobis & Hæredibus noſtris, (quantum in Nobis eſt) & nobis dilectis nunc Cancellario, Magiſtris & Scholaribus dictæ Univerſitatis, & eorum Succeſſoribus in perpetuum ibidem commorantibus & commoraturis de gratiâ noſtrâ ſpeciali, ac de aſſenſu Concilii noſtri approbamus, ratificamus & tenore præſentium concedimus & confirmamus, ſicut Carta & Literæ prædictæ rationabiliter teſtantur. Prætereà ex uberiori gratiâ noſtrâ de aſſenſu Concilii noſtri conceſſimus pro Nobis & Hæredibus noſtris, & hâc Cartâ noſtrâ confirmavimus, quod licet iidem Cancellarius, Magiſtri & Scholares, vel eorum Prædeceſſores Libertatibus, Quietanciis, Privilegiis & Juriſdictionibus, in Cartâ & Literis prædictis contentis vel aliqua eorundem aliquo caſu emergente hactenus plenè uſi non fuerint, ipſi tamen & eorum Succeſſores omnibus & ſingulis Libertatibus, Quietanciis, Juriſdictionibus & Privilegiis prædictis (ſicut prædictum eſt) conceſſis abſque Impedimento noſtri, vel Hæredum noſtrorum Juſticiariorum, Eſcaetorum, Vice-Com. aut aliorum Ballivorum ſeu Miniſtrorum noſtrorum quorumcunque exnunc plenè gaudeant & utantur imperpetuum. His Teſtibus venerabilibus Patribus *S. Cantuar.* Archiepiſcopo totius *Angliæ* Primate, *A. Menevenſi* Cancellar. *Thomâ Exon.* Theſaurar. noſtris, *Thomâ Karl.* & *R. Sarum*, Epiſcopis; *Johanne* Rege *Caſtelli* & *Legionis* Duce *Lancaſt.* *Edmundo* Com. *Cantebrig.*

Avunculis noſtris cariſſimis, *Edmundo de Mortuo Mari March. Ricardo Arundell* & *Willielmo de Monte acuto Sarum* Com. *Henrico le Scroop, Ricardo de Stafford, Nicolao le Scroop* Seneſchallo Hoſpitii noſtri, & aliis. Dat. per manum noſtram apud *Weſtm.* xx° die *Julii*, anno Regni noſtri ſecundo. Inſpeximus etiam quandam aliam Cartam quam prædictus nuper Rex *Ricardus* fieri fecit in hæc verba. *Ricardus* Dei Gratiâ Rex *Angliæ* & *Franciæ*, & Dominus *Hiberniæ*, Archiepiſcopis, Epiſcopis, Abbatibus, Prioribus, Ducibus, Com. Baronibus, Juſticiar. Vice-Com. Præpoſitis, Majoribus, Ballivis, Miniſtris & omnibus aliis fidelibus ſuis, Salutem. Sciatis quòd de gratiâ noſtrâ ſpeciali & pro quiete, ſalvatione & augmentatione Univerſitas Oxon. conceſſimus & hâc cartâ noſtrâ confirmavimus pro Nobis, & Hæredibus noſtris Cancellar. & Scolar. dictæ Univerſitatis, quòd ipſi & Succeſſores ſui imperpetuum habeant privilegia & libertates ſubſcript. viz. quòd Cancellar. prædictæ Univerſitatis & Succeſſores ſui & eorum Commiſſarii & Locum-tenentes coram ſeipſis imperpetuum habeant Cognitionem omnimodorum Placitorum perſonalium tam debitorum, computorum, & quorumcunque aliorum contractuum & injuriarum quàm tranſgreſſionum contra pacem & miſpriſionum & omnium aliarum actionum perſonalium infra Villam *Oxon.* & Suburbia ejuſdem, & alia loca quæcunque infra præcinctum Univerſitatis prædictæ factorum (Feloniâ & Mahemio duntaxat exceptis) ubi Magiſter vel Scolaris, aut Serviens Magiſtri, aut Scolaris, aut communis Miniſter vel aliqua quæcunque perſona quæ aliquibus privilegiorum vel libertatum dictæ Univerſitatis gaudere debeat, quos prædictus Cancellarius vel Succeſſores ſui aut eorum Commiſſarii ſive Locum-tenentes pro talibus calumpniare

lumpniare voluerint, eſt vel erit una partium tam de hujuſmodi placitis jam pendentibus in quâcunque placeâ exiſtat, quàm pro tempore futuro incipiend' & hujuſmodi placita teneant in quocunque loco infra Villam prædictam & Suburbia ejuſdem, & in aliis locis quibuſcunque infra præcinctum prædictæ Univerſitatis eis placuerint, & inde executionem ſecundum eorum leges & conſuetudines, vel per legem Regni noſtri ad voluntatem prædicti Cancellarii & Succeſſorum, Commiſſariorum ſeu Locum-tenentium ſuorum faciant, & de hujuſmodi tranſgreſſionibus tam *ex officio* quàm ad *ſectam partis* per Scolares & Laicas gentes ejuſdem villæ & per alios inquirant, & omnia hujuſmodi placita coram dicto Cancellario, & Succeſſoribus ſuis, eorumve Commiſſariis, ſive Locum-tenentibus in formâ prædictâ audiant & terminent, & Tranſgreſſores contra pacem inventos culpabiles per incarcerationem vel alio modo rationabili debitè caſtigent, & quòd tam Juſticiarii ad placita coram Nobis & Hæredibus noſtris tenend' aſſignati & aſſignandi, ac Juſticiarii noſtri & Hæredum noſtrorum tam de communi Banco quàm alii Judices quicunque in præſentiâ vel abſentiâ noſtrâ & Hæredum noſtrorum præfato Cancellario & Succeſſoribus ſuis, ac eorum Commiſſariis & Locum-tenentibus de omnimodis placitis ſupradictis faciant allocationem ſine difficultate vel impedimento quocunque: Et quòd nullus Juſticiarius ſive Judex in præſentiâ vel abſentiâ noſtrâ ſeu Hæredum noſtrorum, Vice-comes, Major, Ballivus, ſeu alius Miniſter quicunque de hujuſmodi placitis vel aliquibus eorundem ſe intromittat, nec partem ad reſpondend' inde coram ipſis ponat, ſed quòd pars illa coram dicto Cancellario & Succeſſoribus ſuis, & eorum Commiſſariis, ſive Locum-tenentibus, inde ſolum-

modo caſtigetur & puniatur in formâ prædictâ: Et quòd idem Cancellarius & Succeſſores ſui ac eorum Commiſſar. ſive Locum-tenent. ſupradicti imperpetuum executionem de univerſis perſonis coram ſeipſis de hujuſmodi Tranſgreſſionibus & Miſpriſionibus convictis, & aliis manutenentibus fieri, & Tranſgreſſores infra Caſtrum noſtrum *Oxon.* & alibi in dictâ Villâ & Suburbiis ejuſdem juxta diſcretionem ſuam impriſonari faciant. Et quòd Vice-Comes *Oxon.* ſeu Cuſtos Caſtri prædicti aut Major & Ballivi Villæ prædictæ pro tempore exiſtentes hujuſmodi Tranſgreſſiones ad Ordinationem & Mandatum prædicti Cancellarii & Succeſſorum ſuorum, ac eorum Commiſſariorum & Locum-tenentium recipere, cuſtodire, & deliberare teneantur: Hiis Teſtibus Venerabilibus *R. London*, *W. Winton*, Cancellario noſtro, & *W. Dunelmenſi* Epiſcopis, cariſſimo Avunculo noſtro *Johanne* Duce *Aquitan.* & *Lancaſt. Ric. Arundell*, *Thomâ de Bello Campo*, *Warwick*, & cariſſimo Fratre noſtro *Johanne de Holland*, *Huntingdon*, Comitibus; *Johanne Devereux* Seneſchallo Hoſpitii, *Johanne de Cobham*, Magiſtro *Edmundo de Stafford* Cuſtode privati Sigilli, & aliis. Dat. per manum noſtram apud *Weſtm.* 15° die *Julii*, anno regni noſtri 14°. Nos autem Conceſſiones, Ordinationes, Libertates, Juriſdictiones, Privilegia, Concordias, & Confirmationes prædict. quatinus dictos Cancellarios, Magiſtros, Scolares & Univerſitatem *Oxon.* duntaxat concernunt, rata habentes & geſta ea pro Nobis & Hæredibus noſtris (quantum in Nobis eſt) acceptamus, approbamus, & ea dilectis nobis nunc Cancellario, Magiſtris & Scolaribus Univerſitatis prædictæ & eorum Succeſſoribus, de Gratiâ noſtrâ ſpeciali concedimus & confirmamus, prout Cartæ & Literæ prædictæ rationabiliter teſtantur. Præterea

rea volentes præfatis Cancellario, Magiſtris & Scolaribus gratiam facere in hâc parte uberiorem, conceſſimus pro Nobis & Hæredibus noſtris, & hâc Cartâ noſtrâ confirmavimus eiſdem Cancellario, Magiſtris & Scolaribus, & eorum Succeſſoribus, Quòd licet ipſi vel eorum Prædeceſ- P. 208.
ſores aliquo vel aliquibus Libertatum, Quietantiarum, Privilegiorum & Juriſdictionum in Cartis & Literis prædictis contentorum aliquo caſu emergente hactenus plenè uſi non fuerint, iidem tamen Cancellar. Magiſtri & Scholares, & eorum Succeſſores, Libertatibus, Quietantiis, Privilegiis, & Juriſdictionibus illis, & eorum quolibet exinde plenè gaudeant & utantur in perpetuum ſine impedimento noſtri vel Hæredum noſtrorum, Juſticiariorum, Eſcaetorum, Vice-Com. aut aliorum Ballivorum ſeu Miniſtrorum noſtrorum, vel Hæredum noſtrorum quorumcunque. Hiis Teſtibus Venerabilibus Patribus *T. Cantuar.* totius *Angliæ* Primate, *R. Ebor. Angliæ* Primate, Archiepiſcopis, *R. London, W. Winton. J. Elien.* Epiſcopis; *Edmundo* Duce *Ebor.* Avunculo noſtro cariſſimo, *Henrico de Percy Northumb.* Conſtabular. *Angliæ, Ric. de Nevill* Camerario, &c. & aliis. Dat. per manum noſtram apud *Weſtm.* xx. die *Novemb.* anno regni noſtri primo. Inſpeximus etiam quandam Cartam ejuſdem patris noſtri ſimiliter factam in hæc verba. HENRICUS, Dei Gratiâ, Rex *Angliæ* & *Franciæ*, & Dominus *Hiberniæ*, Archiepiſcopis, Epiſcopis, Abbatibus, Prioribus, Ducibus, Comitibus, Baronibus, Militibus, Juſticiar. Vice-Com. Præpoſitis, Ballivis, Miniſtris, & aliis fidelibus ſuis, Salutem. Sciatis, quòd cum Dominus *Ricardus* nuper Rex *Angliæ* Secundus poſt Conqueſtum, Prædeceſſor noſter, per Cartam ſuam quàm per Cartam noſtram, cum Clauſulâ *licet confirmavimus*, conceſſerit dilectis ſibi in Chriſto Cancella-

rio & Scolaribus Univerſitatis *Oxon.* quòd Cancellarius ejuſdem Univerſitatis, & Succeſſores ſui & eorum Commiſſarii ac Locum-tenentes coram ſeipſis imperpetuum habeant Cognitionem tam omnimodorum Placitorum Perſonalium, Debitorum, Computorum, & quorumcunque aliorum Contractuum & Injuriarum, quàm Tranſgreſſionum contra Pacem, & Miſpriſionum, & omnium aliarum actionum perſonalium infra Villam *Oxon.* & Suburbia ejuſdem, & alia loca quæcunque infra præcinctum Univerſitatis prædictæ factorum, (Feloniâ & Mahemio duntaxat exceptis) ubi Magiſter vel Scolaris, vel Serviens Magiſtri, vel Scolaris, aut communis Miniſter, vel aliqua quæcunq; perſona, quæ aliquibus Privilegiorum vel Libertatum dictæ Univerſitatis gaudere debeat, quos prædictus Cancellarius vel Succeſſores ſui aut eorum Commiſſarii ſive Locum-tenentes pro talibus calumpniare voluerint, eſt vel erit una partium tam de hujuſmodi placitis tunc pendentibus in quâcunq; placeâ extiterint, quàm ex nunc incipiend. & hujuſmodi placita teneant in quocunq; loco infra villam prædictam & ſuburbia ejuſdem, & in aliis locis quibuſcunq; infra præcinctum prædictæ Univerſitatis eis placuerint, & indè Executionem ſecundum eorum leges & conſuetudines, vel legem Regni noſtri ad voluntatem prædicti Cancellarii & Succeſſorum ſuorum, Commiſſariorum ſeu Locum-tenentium ſuorum faciant, & de hujuſmodi Tranſgreſſionibus tam *ex Officio* quàm ad *ſectam partis* per Scolares & Laicas gentes ejuſdem villæ & per alios inquirant; & omnia hujuſmodi placita coram dicto Cancellario & Succeſſoribus ſuis eorum Commiſſariis ſeu Locum-tenentibus in formâ prædictâ audiant & terminent; & Trangreſſores contra pacem inventos

ventos culpabiles per incarcerationem, vel alio modo rationabili debitè caſtigent: Et quòd tam Juſticiarii ad placita coram ipſo *Ricardo* nuper Rege & Hæredibus ſuis tenend' aſſignati & aſſignandi, ac Juſticiarii ſui ac Hæredum ſuorum tam de communi Banco quàm alii Judices quicunq; in præſentiâ & abſentiâ ejuſdem *Ricardi* nuper Regis & Hæredum ſuorum præfatis Cancellario, & Succeſſoribus ſuis aut eorum Commiſſariis, & Locum-tenentibus de omnimodis Placitis ſupradictis faciant allocationem ſine difficultate, vel impedimento quocunq; & quòd nullus Juſtic. ſivè Judex in præſentiâ, vel abſentiâ ipſius *Ricardi* nuper Regis ſeu Hæredum ſuorum, Vice-Comes, Major, Ballivus, ſeu alius Miniſter quicunq; de hujuſmodi placitis vel aliquibus eorundem ſe intromittat, nec partem ad reſpondendum inde coram ipſis ponat; ſed quòd pars illa coram dicto Cancellario, & Succeſſoribus ſuis, eorum Commiſſariis ſive Locum-tenentibus indè ſolummodo caſtigetur & puniatur in formâ prædict. Et quòd idem Cancellarius, & Succeſſores ſui, eorum Commiſſarii ſive Locum-tenentes ſupradicti imperpetuum executionem de univerſis perſonis coram ſeipſis de hujuſmodi Tranſgreſſionibus & Miſpriſionibus convictis, & aliis manutenentibus fieri, & Tranſgreſſores infra Caſtrum noſtrum Oxon. & alibi in dictâ Villâ & Suburbiis ejuſdem juxta diſcretionem ſuam impriſonari faciant; & quòd Vice-Comes Oxon. ſeu Cuſtos Caſtri prædicti, aut Major & Ballivi villæ prædictæ pro tempore exiſtentes hujuſmodi Tranſgreſſores ad Ordinationem & Mandatum prædicti Cancellar. & Succeſſorum ſuorum, ac eorum Commiſſar. ſive Locum-tenentium recipere, cuſtodire, & deliberare teneantur prout in cartis & confirmatione prædictis pleniùs continetur. Jamq; dilecti nobis

in Chriſto nunc Cancellar. & Scolares Univerſitatis prædictæ nobis ſupplicaverunt, ut cùm ipſi pro eo quòd præcinctus villæ prædictæ per certas Metas & Bundas in ſpeciali in dictis cartis & confirmatione non limitantur; ac inſuper pro eo quòd diverſa de Libertatibus & Privilegiis prædictis ſub verbis generalibus conceduntur, ſæpius fuerunt, & ſunt indies impediti quo minus ipſi Libertatibus & Privilegiis illis juxta piam intentionem ipſius nuper Regis uti poſſint & gaudere, velimus pro majore ſecuritate & quiete prædictorum Cancellar. & Scolarium ac Succeſſorum ſuorum, & Ambiguitatibus, & Controverſiis, in hâc parte delendis in futurum gratioſius providere; Nos ob Dei reverentiam ac in Univerſitate prædictâ ſtudentium augmentum & multiplicationem in futurum, nec non ob ſpecialem & internam affectionem quam ad perſonam dilecti nobis in Chriſto *Petri Repyngdon* Abbatis *Leiceſtriæ* & Chancellarii Univerſitatis prædictæ ſuis exigentibus meritis, & obſequiis gerimus & habemus, de gratiâ noſtrâ ſpeciali, volumus, conceſſimus, & hâc præſenti cartâ noſtrâ declaramus, & confirmamus pro nobis, & Hæredibus noſtris (quantum in nobis eſt) quòd præcinctus Univerſitatis prædictæ limitetur, fiat, ſit, & ſe extendat ab orientali parte ejuſdem villæ uſq; ad *Hoſpitale S. Bartholomæi* juxta Oxon. & ab occidentali parte ejuſdem villæ uſque ad villam de *Botley*, & à parte Boreali ejuſdem villæ uſq; ad Pontem vocat. *Godſtowbrygge*, & ab Auſtrali parte ejuſdem villæ uſq; ad quendam Boſcum vocat. *Bageley*, & ſic in Circuitu per loca prædicta & quemlibet locum eorundem imperpetuum Aceciam volumus, conceſſimus, & hâc præſenti cartâ noſtrâ confirmavimus pro nobis & Hæredibus noſtris prædictis (quantum in nobis eſt) quòd prædictus

dictus Cancellarius & Succeſſores ſui ac eorum Commiſſarii & Locum tenentes, omnia & ſingula Libertates & Privilegia prædicta tam in præſentiâ quàm in abſentiâ noſtrâ & Hæredum noſtrorum infra hujuſmodi præcinctum dictæ Univerſitatis per nos ſic factum & limitatum imperpetuum habeant & teneant, ac eis & eorum quolibet plenè gaudeant & utantur. Et quòd idem Cancellarius & Succeſſores ſui ac eorum Commiſſar. & Locum-tenentes tam in præſentiâ quàm in abſentiâ noſtrâ & Hæredum noſtrorum tam de hujuſmodi Tranſgreſſionibus & Miſpri- P. 210.
ſionibus, quàm de Extortionibus, Ignoranciis, Negligenciis, Exceſſibus, Conſpirationibus, Confæderationibus, Campipartitis, Ambidextris, Manutenenciis, falſis Alliganciis, Nocumentis, Forſtallariis, Regratariis, ac omnibus aliis articulis itineris quæ poterunt cadere in finem vel redemptionem, ſeu in aliam pœnam Pecuniariam, ac aliis Contractibus, Placitis & Querelis perſonalibus & aliis Cauſis & Materiis quibuſcunq; quocunq; nomine cenſeantur ſeu cenſeri poterunt, licèt tangant nos vel Hæredes noſtros, ſeu Miniſtros noſtros quoſcunq; (Feloniâ & Mahemio ac Aſſiſis, & placitis de libero Tenemento duntaxat exceptis) infra dictam villam Oxon. ac Suburbia & Præcinctum prædict. qualitercunq; emergentibus, factis ſive perpetratis, aut faciendis ſive perpetrandis tam *ex Officio* ſeu ad ſectam noſtram & Hæredum noſtrorum, quàm ad *ſectam partis*, vel alio modo quocunq; ubi Magiſter, vel Scolaris, ſeu ſervientes Magiſtrorum & Scolarium, vel aliqua alia perſona, quæ aliquibus privilegiorum, vel libertatum dictæ Univerſitatis gaudere debeat, quos prædict. Cancel. vel Succeſſores ſui aut eorum Commiſſar. ſivè Locum-tenentes pro talibus calumpniare voluerint, eſt vel erit una partium per Scolares &

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Laicas gentes ejuſdem villæ Oxon. & per alios inquirant & inquirere poſſint, & plenam cognitionem & correctionem indè habeant, & hujuſmodi placita, querelas, cauſas & materias teneant in quocunq; loco infra dictam villam Oxon. aut Suburbia, vel præcinctum ejuſdem eis placuerit,& executionem indè ſecundùm eorum leges & conſuetudines, vel ſecundùm legem Regni noſtri *Angliæ* ad voluntatem prædicti Cancellar. & Succeſſor. ſuorum, Commiſſar. & Locum-tenentium ſuorum faciant, ac omnes & ſingulas Materias, Querelas, Cauſas & Articulos hujuſmodi (exceptis præ-exceptis) audiant & terminent; & omnimoda Amerciamenta, Exitus, & Proficua indè provenientia ad commodum & utilitatem totius Univerſitatis prædictæ habeant, levent, & percipiant per ſe & Deputatos ſuos imperpetuum. Ita quòd nullus Juſtic. ad placita coram nobis, vel Hæredibus noſtris tenend. aſſignatus, vel aſſignand. Juſtic. de Com. Banco, Juſtic. ad Aſſiſas capiend. vel Goalas deliberand. vel Cuſtodes pacis, vel Juſtic. ſervientium, Laboratorum & Artificum ſeu alii Juſtic. vel Judices quicunq; Seneſcallus, vel Mareſchallus, vel Clericus Mercati Hoſpitii noſtri, vel Hæredum noſtrorum, Vice-Comes, Major, Ballivus, ſeu alius Officiarius, vel Miniſter noſter, vel Hæredum noſtrorum quicunq; de hujuſmodi placitis, querelis, contractibus, articulis, cauſis, materiis vel aliis rebus prædictis ſeu eorum aliquo (exceptis præ-exceptis) infra dictam villam Oxon. aut ſuburbia ſeu præcinctum ejuſdem factis, vel faciend. in præſentia nec abſentia noſtri, vel heredum noſtrorum ſe in aliquo non intromittant. Et ſi iidem Juſtic. aut alii miniſtri prædicti ſeu eorum aliquis in præſencia, vel abſencia noſtra, vel Heredum

dum noſtrorum ſuper aliquibus premiſſis exceptis pre-exceptis inquirere, ſeu aliqualiter cognoſcere, vel ſe intromittere præſumpſerint in futurum: Iidem Juſtic. ac alii Miniſtri & Officiarii prædict. ad certificationem, notificationem ſeu ſignificationem Cancellar. Univerſitatis prædictæ qui pro tempore fuerit, aut ejus Commiſſar. ſive Locum-tenentis inquiſitionibus, & cognitionibus hujuſmodi, & cuicunq; proceſſui, & executioni indè qualitercunq; faciend. omnia ſuperſedeant, & ſe indè ulterius in aliquo nullatenus intromittant. Et præterea cùm inter cætera Libertates & Privilegia Cancellar. & Scolar. Univerſitatis prædictæ per cartas progenitorum noſtrorum quondam Regum *Angliæ*, quas per cartam noſtram prædictam confirmavimus, conceſſas, conceſſum ſit eiſdem, quòd iidem Cancellar. imperpetuum habeant Cuſtodiam Aſſiſæ panis, vini, & Cerviſiæ, ac correctionem & punitionem ejuſdem, infra dictam villam Oxon. & Suburbia ejuſdem, cum Finibus, Amerciamentis, & aliis proficuis provenientibus in hâc parte, *reddendo* præfatis progenitoribus noſtris & Hæredibus ſuis 100 Solidos annuatim. Nos volentes præfatis Cancellario & Scholaribus gratiam in hâc parte facere ampliorem, de gratiâ noſtrâ ſpeciali dedimus, conceſſimus, & remiſſimus, ac relaxavimus pro nobis & Hæredibus noſtris prædictis (quantum in nobis eſt) præfatis Cancellar. & Scholar. & Succeſſoribus ſuis prædictos 100 Solidos nobis & Hæredibus noſtris ſic (ut præmittitur) annuatim reddendos, habend. & percipiend. eiſdem Cancellar. & Scholar. & Succeſſoribus ſuis ad communem utilitatem Univerſitatis prædictæ imperpetuum. Ita quòd ipſi & Succeſſores ſui nobis & Hæredibus noſtris pro hujuſmodi Cuſtodiâ & punitione unum denarium dun- Pag. 211.

duntaxat abſq; plur. ad Feſtum *Sancti Michaelis* ſingulis annis de cætero ſolvent, & reddant imperpetuum. Hiis Teſtibus Venerabilibus Patribus *Thomâ*, Archiepiſcopo *Cantuar.* totius *Angliæ* Primate, *R. London, W. Winton, H. Lincoln*, fratre noſtro cariſſimo *J. Hereford, E. Exon* Cancellario noſtro Epiſcopis, *Edmundo* Duce *Ebor.* Avunculo noſtro cariſſimo, *Edwardo Roteland, Joanne* de *Beaufort*, fratre noſtro *Somerſet, Henrico Percy Northumb. R.* de *Nevill Weſtmorl. Thomâ* de *Percy Wigorn.* Seneſchallo Hoſpitii noſtri Comitibus, *Johanne* de *Norbury*, Theſaurar. noſtro, *Johanne Grey* de *Codenore*, *An. 2. H. 4.* *Reginald.* de *Gray* de *Ruthyn*, Magiſtro *Ric. Clifford*, Cuſtode privati ſigilli noſtri, & aliis, dat. per manum noſtram apud *Weſt.* xiii. die *Maii*, Anno Regni noſtri ſecundo. Nos autem Conceſſiones, Libertates, Juriſdictiones, Privilegia, Concordias, & Confirmationes prædicta quatinus dictos Cancellar. Magiſtros, Scholar. & Univerſitatem *Oxon.* duntaxat concernunt, rata habentes & geſta, ea pro nobis & Hæredibus noſtris (quantum in nobis eſt) acceptamus, approbamus, & ea dilectis nobis nunc Cancellar. Magiſtris, & Scolaribus Univerſitatis prædictæ & eorum Succeſſoribus de gratiâ noſtrâ ſpeciali concedimus & confirmamus, prout Cartæ & Literæ prædictæ rationabiliter teſtantur. Præterea Volentes præfatis nunc Cancellar. Magiſtris & Scolaribus gratiam in hâc parte facere uberiorem, conceſſimus pro nobis & Hæredibus noſtris, & hâc cartâ noſtrâ confirmavimus eiſdem Cancellar. Magiſtris & Scolaribus, & eorum Succeſſoribus, quòd licèt ipſi vel eorum Prædeceſſores aliquo, vel aliquibus libertatum, quietanciarum, privilegiorum & juriſdictionum in Cartis & Literis prædictis contentorum aliquo caſu emergente hactenus plenè uſi non fuerint, iidem

iidem tamen Cancellarius, Magiſtri & Scolares, & eorum Succeſſores libertatibus, quietanciis, privilegiis, & juriſdictionibus illis & eorum quolibet exnunc plenè gaudeant & utantur imperpetuum ſine occaſione, vel impedimento noſtri, vel Hæredum noſtrorum Juſtic. Eſcaetorum, Vice-Com. aut aliorum Ballivorum ſeu Miniſtrorum noſtrorum, vel Hæredum noſtrorum quorumcunq; Hiis Teſtibus Venerabilibus Patribus *Thomâ*, Archiepiſcopo *Cant.* totius Angliæ Primate Conſanguineo noſtro cariſſimo, *H. Winton* Avunculo noſtro cariſſimo, Cancellar. noſtro *Thomâ Dunelmenſi*, *N. Bathon.* & *Wellen*, *H. Menevenſi* Epiſcopis, *Thomâ Arundell*, Theſaurar. noſtro, *Richardo Warwick* Comitibus Conſanguineis noſtris cariſſimis, *Hen. Fitz-Hugh* Camerar. noſtro, *Tho. Erpingham* Seneſchallo Hoſpitii noſtri militibus, *Johanne Prophete* Cuſtode privati ſigilli noſtri & aliis. Dat. per manum noſtram apud *Weſtm.* vi. die *Dec.* Anno Regni noſtri primo. O per ipſum Regem ✠ ex Rotulo Cartarum de anno primo R. *Henr.* V. numero primo. In Turri London.

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MVSEVM
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